87-1212

No.

Supreme Court, U.S.
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IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1987

JEROME GREENE, NORMAN PECK AND PETER SHARP,
Appellants,

-against-

MANUEL MIRABEL, DEPUTY COMMISSIONER,
NEW YORK STATE DIVISION OF HOUSING
AND COMMUNITY RENEWAL,
Appellee,

VICTOR BONOMO, CHARLES HERMAN,
JOHN D. GREEN, LAZAR AND LEA GOTTFRIED,
BERNARD GOLDEN, RAY BERMAN, HOWARD SHAVEL,
JAMES L. MARCUS, HYMAN SUTTON, MICHAEL FREEDMAN,
LESTER LOCKWOOD, PAUL WEISSMAN AND SONIA REESE,
Appellants.

ON APPEAL FROM THE SUPREME COURT, STATE OF NEW YORK,
APPELLATE DIVISION, FIRST DEPARTMENT

JURISDICTIONAL STATEMENT

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EDITOR'S NOTE

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QUESTION PRESENTED

New York City has in place a statutory system for the control of residential rents. The New York system is facially valid in the sense that it purports to allow landlords to collect rents which enable them to earn a reasonable return on the capital value of their property. Specifically, by statute, a landlord who is not able to earn a statutorily prescribed return of 8-1/2% on the capital value of his property is entitled to "hardship" relief -- he is entitled to administratively ordered increases in the collectible rent of sufficient dollar amount to allow the landlord to achieve the statutory 8-1/2% return on capital value.

As the record below based on undisputed facts demonstrates, however, the beneficial and remedial effects of the "hardship" provisions of the New York rent control system are completely eviscerated by another provision of that statutory scheme. The New York Legislature, in an effort to prevent rent increases beyond a tenant's supposed ability to pay, imposes an across-the-board limitation on the amount rents may go up in any one year in rent-controlled apartments. That limitation -- 7-1/2% per annum, as applied to the undisputed facts here -- prevents these appellants from obtaining a reasonable return on the capital value of their property and, in consequence, operates to confiscate their property in violation of their constitutional rights.

In *Pennell v. City of San Jose*, 228 Cal. Rptr. 726, 42 Cal.3d 365, 721 P.2d 1111 (1986), *app. granted*, 47 S. Ct. Bull. No. 25, A2 (U.S., March 2, 1987) (No. 86-753), this Court recently heard argument on a constitutional challenge to a San Jose, California rent ordinance redolent of New York's 7-1/2% across-the-board limitation of rent increases. In *Pennell*, the provision of the local regulation being challenged per-

mitted local administrators to reduce an individual tenant's rent below the amount the landlord would otherwise be entitled to collect based on the individual tenant's financial inability to pay.

Against this background, the question presented for review is, as follows:

Does a system of local rent control which results in individual landlords having rates of return on the value of their property which are and will remain as low as 1% or 2% for the indefinite future by prohibiting annual rent increases beyond an artificially determined, across-the-board limitation of 7-1/2% per annum deprive the landlord of his constitutional rights under the Fourteenth Amendment?

PARTIES TO THE PROCEEDING

The caption of the case contains the names of all parties to the proceeding.

TABLE OF CONTENTS

Page

QUESTION PRESENTED i

PARTIES TO THE PROCEEDING ii

TABLE OF AUTHORITIES v

OPINIONS BELOW vii

JURISDICTION viii

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED ix

STATEMENT OF THE CASE 1

The Facts

(a) Appellants 2

(b) The Apartments 3

(c) The Tenants 3

(d) The Rent Regulation Systems in New York City 3

(e) The Automatic Rent Increase System of Rent Control 4

(f) Appellants' Applications for "Hardship" Rent Increases 5

Page

(g) The Financial Impact on Appellants of the DHCR Orders 7

(h) Appellants' Unreasonably Low Returns Are a Permanent Condition: Their Property Has Been Transferred to Their Tenants ... 11

(i) The Decisions of the Courts Below ... 12

THE QUESTIONS ARE SUBSTANTIAL 13

CONCLUSION 21

TABLE OF AUTHORITIES

Cases **Pages**

Bucho Holding Co. v. State Housing Rent Commissioner, 11 N.Y.2d 469, 230 N.Y.S.2d 977, 184 N.E.2d 569 (1969) 17

Chicago Board of Realtors, Inc. v. City of Chicago, 819 F.2d 732 (7th Cir. 1987) 2,19,20

F.C.C. v. Florida Power Corp., 107 S.Ct. 1107 (1987) ... 16

First English Evangelical Lutheran Church of Glendale v. County of Los Angeles, 107 S.Ct. 2387 (1987) 20

Fisher v. City of Berkeley, 37 Cal.3d 644, 209 Cal. Rptr. 682, 693 P.2d 261 (1984), *aff'd on other grounds*, 475 U.S. 260 (1986) 16

Hall v. City of Santa Barbara, 797 F.2d 1493 (9th Cir. 1986) 2,18,20

Helmsley v. Borough of Fort Lee, 78 N.J. 200, 394 A.2d 65 (1978) 15

Herzog v. Joy, 74 A.D.2d 372, 428 N.Y.S.2d 1 (1980), *aff'd*, 53 N.Y.2d 821, 439 N.Y.S.2d 922, 422 N.E.2d 582 (1981) 11

I.L.F.Y. Company v. City Rent Administration, 11 N.Y.2d 480, 230 N.Y.S.2d 786, 184 N.E.2d 575 (1962) 16

Marshal House, Inc. v. Rent Control Board of Brookline, 358 Mass. 686, 266 N.E.2d 876 (1971) 15

Pages

Matsushita Elec. Indust. Co. v. Zenith Radio Corp., 475 U.S. 574 (1986) 19

Pennell v. City of San Jose, 228 Cal. Rptr. 726, 42 Cal.3d 365, 721 P.2d 1111 (1986), *app. granted*, 47 S.Ct. Bull. No. 25, A2 (U.S., March 2, 1987) (No. 86-753) ..... i, 2, 14, 15

2-4 Realty Associates v. Pittman, New York Law Journal, at 1, New York Supreme Court (December 15, 1987) .. 11

Sullivan v. Brevard Associates, 66 N.Y.2d 489, 498 N.Y.S.2d 96, 488 N.E.2d 1208 (1985) 4

Constitutional Provisions

U.S. Constitution, Fourteenth Amendment ..... Passim

Statutes and Regulations

9 NYCRR § 2201.6 ..... x, 7

9 NYCRR § 2202.8 ..... ix, 6

9 NYCRR § 2200.2(o) 11

Other

The Maximum Base Rents Formula: A Cost Index Approach to Controlled Rents, (1970) 4

The ABC's of MBR: How to Spell Trouble in Landlord/Tenant Relations (Up Against Crumbling Walls), 10 Col. J. of Law and Soc. Prob., 113 (1974) 5

OPINIONS BELOW

There are no reported opinions below. The Supreme Court, New York County, issued an oral ruling after argument of appellants' petitions. (A copy of the transcript of the oral argument is contained in Appendix A.)

The Appellate Division, First Department, affirmed, without opinion, the judgments of the Supreme Court, New York County (Appendix B).

Thereafter, appellants sought to appeal as of right to the New York Court of Appeals. The court, however, dismissed that appeal *sua sponte* (Appendix C) and, subsequently, denied appellants' motion for leave to appeal (Appendix D).

JURISDICTION

This is an appeal from an order filed on April 7, 1987, in the Appellate Division, First Department. That order affirmed three judgments of the Supreme Court, New York County, which had dismissed three petitions brought by appellants pursuant to Article 78 of the New York Civil Practice Law and Rules. Article 78 sets forth New York's procedural mechanism for challenging the decisions of governmental administrative bodies.

Appellants sought by their Article 78 proceedings in the courts below to overturn administrative orders of the District Rent Office of the Office of Rent and Housing Maintenance of The City of New York, dated September 8, 1983 (Appendix E), as modified by the Order and Opinion of appellee, Manuel Mirabel, Deputy Commissioner of the New York State Division of Housing and Community Renewal, dated May 14, 1985 (Appendix F).

As noted, appellants' appeal as of right to the New York Court of Appeals was dismissed by that court, *sua sponte*, and appellants' subsequent motion for leave to appeal was denied by an order dated October 13, 1987 (Appendix D).

A notice of appeal to this Court was timely filed in the Appellate Division, First Department on January 8, 1988 (Appendix G).

This appeal is being docketed in this Court within 90 days from the order of the New York Court of Appeals denying appellants permission to appeal. 28 U.S.C. § 2101(c).

This Court has jurisdiction of this appeal under 28 U.S.C. § 1257(2).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The relevant Constitutional provisions involved in this appeal are:

> *U.S. Constitution,*
> *Fourteenth Amendment, Section 1:*
>
> No State shall . . . deprive any person of life, liberty or property, without due process of law; nor deny to any persons within its jurisdiction the equal protection of the laws.

The relevant provisions of the New York City rent control law are as follows:

> *Official Compilation of Codes, Rules & Regulations of the State of New York, Title 9, § 2202.8: Return on Capital Value.*
>
> (a) a landlord may file an application for an increase in maximum rents on the ground that the current maximum gross building rental established pursuant to section 2201.4 or 2201.5 of this Title does not equal the sum of:
>
> (1) the real estate taxes, water charges and sewer rents on the property;
>
> (2) the operating and maintenance expenses of the property;
>
> (3) an allowance for the vacancy and collection losses on the property; and
>
> (4) a return of 8–1/2 percent on capital value which, except as provided in sub-divisions (b) and

(c) on this section, shall be the equalized assessed value obtained by multiplying the current assessed value of the property by the current equalization ratio established by the New York State Board of Equalization and Assessment pursuant to article 12–A of the Real Property Tax Law.

Official Compilation of Codes & Regulations of the State of New York, Title 9, § 2201.6: Collectibility.

(a)(1) No new maximum rent established pursuant to section 2201.4 of this Part, or adjustment pursuant to section 2201.5, 2202.8, 2202.9 or 2202.10 of this Title, or any combination thereof, shall increase the rent collectible from a tenant in occupancy by more than 7–1/2 percent in any one calendar year, except as provided in section 2202.7 of this Title.

STATEMENT OF THE CASE

Appellants respectfully request that this Court note probable jurisdiction of this appeal. Alternatively, appellants respectfully request that this jurisdictional statement be treated as a petition for a writ of certiorari and that certiorari be granted. 28 U.S.C. § 2103.

This appeal concerns the constitutionality of the application of the New York City rent control system to undisputed facts. The administrative orders challenged by appellants are an application of the rent control law in a manner which deprives appellants of due process of law as guaranteed by the Fourteenth Amendment. The orders limit appellants to a return on the capital value of their property which is so unreasonably low and which will be effective for so long a period that the orders amount to confiscation.

The confiscation results because of New York's across-the-board limitation of per annum rent increases to 7-1/2% even in instances where the administrative agency determined that increases of a much larger magnitude are required if landlords are to be enabled to earn a reasonable return on the capital value of their property, and in the face of another provision of New York law which prescribes an 8-1/2% return on capital value for landlords of rent-controlled residential property.

We assert this constitutional claim in full recognition that we do not deal with a blank slate: numerous cases have rejected constitutional challenges to various aspects of local rent control schemes. But, as we show, in recent years this Court and other lower federal courts have been willing to revisit prior precedent and to consider placing limitations on the power of states and municipalities to regulate residential

rents. *See Pennell v. City of San Jose,* 228 Cal. Rptr. 726, 42 Cal.3d 365, 721 P.2d 1111 (1986), *app. granted,* 47 S. Ct. Bull. No. 25, A2 (U.S., March 2, 1987) (No. 86-753); *Hall v. City of Santa Barbara,* 797 F.2d 1493 (9th Cir. 1986); *Chicago Board of Realtors, Inc. v. The City of Chicago,* 819 F.2d 732 (7th Cir. 1987).

These cases demonstrate that there is no conclusive presumption that a local system of rent regulation can pass constitutional muster simply because it is labelled "rent control."

This fresh judicial interest in rent control appears to be partially a result of a growing consensus that rent control is a self-defeating policy -- rather than increasing the quality of existing housing and encouraging new investment in rental housing, rent control actually exacerbates the problems it is intended to alleviate. *See Hall v. City of Santa Barbara, supra,* at 1503, n.26.

This appeal vividly demonstrates the fashion in which a local system of rent regulation can operate to produce an economically irrational, confiscatory result and deprive appellants of their constitutional rights.

The Facts

(a) Appellants. In 1965 and 1966, partnerships of which appellants were the sole partners, purchased the apartment buildings in which the apartments that are the subject of this appeal are located. The apartments were subject to New York's rent control system. Thereafter, the partnerships became the sponsors of plans to convert the premises to cooperative ownership. The plans were so-called "non-eviction" plans and became effective in 1972 and 1973. Under New York law, tenants in the buildings who did not desire to pur-

chase their apartments under the plans of cooperative conversion could not be evicted, but were entitled to remain in their apartments and retain the benefits of the rent control system. Appellants, in consequence, became the owners of the unsold shares for the apartments occupied by those non-purchasing tenants (85, 98, 111).*

(b) The Apartments. The apartments are all in pre-World War II apartment buildings located in select neighborhoods in the Borough of Manhattan in the City of New York. The apartments at 444 East 52nd Street are just a few blocks away from the United Nations complex. 44 Gramercy Park North abuts Gramercy Park -- a private park in a desirable neighborhood where real estate values continue to be high. The building on West End Avenue is close to Lincoln Center and right in the middle of the trendy upper-westside area of Manhattan, with its high-priced clothing boutiques and chic restaurants (84, 97, 110).

(c) The Tenants. When the apartment buildings were converted to cooperative ownership in 1972 and 1973, the tenants who reside in the apartments that are the subject of this appeal remained as tenants at rent-controlled rents (85-86, 98-99, 111).

(d) The Rent Regulation Systems in New York City. In New York City, there are two separate systems of rent regulation, rent control and rent stabilization. The rent control system applies only to apartments constructed before 1947. The rent stabilization scheme, enacted in 1969, applies to almost all other New York City apartments, including most newly constructed rental apartments.

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*References are to the Record on Appeal filed in the Appellate Division, First Department.

The reason for this dual system of rent regulation was articulated by the New York Court of Appeals in *Sullivan v. Brevard Associates*, 66 N.Y.2d 489, 494–495, 498 N.Y.S.2d 96, 99, 488 N.E.2d 1208, 1211 (1985). Rent stabilization was described as a

> "compromise solution" under which rents of previously unregulated post–1947 housing could be regulated while "encouraging future construction of housing accommodations by allaying the fears of builders concerned about possible further extension of rent control to new construction" (*8200 Realty Corp. v. Lindsay*, 27 N.Y. 2d 124, 136–137, 313 N.Y.S.2d 733, 161 N.E.2d 647, *supra*). The Rent Stabilization Law recognizes the greater stringency of rent control regulation by imposing rent control of units as a penalty for landlords who fail to become or remain members in good standing of the Real Estate Industry Stabilization Association.

(e) The Automatic Rent Increase System of Rent Control. Maximum rent increases in New York City rent–controlled apartments are determined on a system–wide basis by the so–called Maximum Base Rent system ("MBR"), which went into effect in the early 1970s.

Prior to the institution of the MBR system, landlords of rent–controlled apartments in New York City had received only two rent increases since the end of World War II. The inadequacy of these increases had resulted in a "severe housing crisis" faced by New York City in 1970. *The Maximum Base Rents Formula: A Cost Index Approach to Controlled Rents*, 3 (1970).

The MBR system was designed, at least in part, to close a "rent gap" of $274 million -- "this growing difference between rents and costs which was in part a result of rent increase restrictions imposed on 1.1 million apartments by the old Rent Control Law." *Id.* at 8.

Local Law No. 30 of 1972 amended the New York City Rent Control Law, creating the MBR system, by introducing a system of computerized annual rent increases, devised by formula, for rent-controlled apartments in New York City. The maximum increase permitted by law was 7-1/2% per annum. Since 1972, the effective date of the MBR system, 7-1/2% increases have been granted each year.

As the undisputed facts here demonstrate, the MBR system, with its 7-1/2% limit on per annum increases, has not achieved what it was intended to achieve -- to raise the rents of rent-controlled apartments above costs and to give landlords a reasonable return so as to encourage the upkeep of rent-controlled apartments and to keep them in the housing stock. Through the 1970s and 1980s, such diverse economic developments as double-digit inflation, the Arab oil embargo, explosive growth in the New York City economy and steep increases in New York City real estate taxes have combined to push the growth in the expenses of owning and renting New York City apartments at a rate faster than the 7-1/2% MBR rent increases. Thus, the "rent gap" that existed in the early 1970s has not been closed and rent-controlled landlords are no better off today than they were when the MBR system was put in place. *See The ABC's of MBR: How to Spell Trouble in Landlord/Tenant Relations (Up Against the Crumbling Walls)*, 10 Col. J. of Law and Soc. Prob., 113, 155 (1974) (arguing that the 7-1/2% limit on rent increases will prevent landlords from ever receiving a reasonable return).

(f) Appellants' Applications for "Hardship" Rent Increases. In the early 1980s, faced with an existing system of MBR increases which simply did not allow appellants even to begin to earn a reasonable return on the capital value of their property, appellants turned to another statutory provision of the New York rent control system -- to wit, the provision

which entitles a landlord to file an application for a "hardship" increase if the maximum rent he might otherwise be entitled to collect does not allow him to earn a return of 8-1/2% on the capital value of his property. 9 NYCRR § 2202.8.

This and similar "hardship" provisions have been a fundamental part of New York's rent control scheme for many years. They were enacted in recognition that the overall statutory scheme of rent control could produce "hardship" for individual landlords who would otherwise not be able to earn a reasonable return on the capital value of their properties. The legislature, therefore, included in the rent control scheme provisions allowing for individual hardship applications.

The objective of these provisions has always been the same: to avoid the confiscatory result in individual cases from the general application of the rent control system. The hardship provisions are the constitutional failsafe of the rent control law. Thus, the "hardship" provisions of the rent control law must be meaningful, both procedurally and substantively -- as we now show, they are not.

In December 1982 and April 1983, appellants filed hardship applications with the appropriate New York City administrative agency seeking rent increases which would allow them to obtain a return of 8-1/2% on the capital value of their property. (The applications were filed with the predecessor agency of appellee Division of Housing and Community Renewal ("DCHR")) (86-87, 99-100, 112-113).

As a result of lengthy administrative proceedings, there was no dispute in the courts below as to the following: appellants and the DHCR agreed as to the capital value of appellants' property (Appendix F, pp. 4f, 12f, 20f); appellants' statement of operating expenses were subjected to a full

audit by the predecessor New York City agency to the DHCR; appellants and the DHCR agreed as to the size of the increases in the maximum collectible rent required to allow appellants to earn 8–1/2% in capital value (Appendix F, pp. 6f-8f, 14f-16f, 22f-25f); appellants and the DHCR agreed that appellants should get these increases (Appendix F, pp. 6f-8f, 14f-16f, 22f-25f).

The sole dispute between appellants and the DHCR -- albeit a dispute of constitutional significance -- was this: the DHCR refused to order immediate increases in rent in amounts sufficient to permit appellants to earn an 8–1/2% return on capital value. As to a few apartments the DHCR did immediately increase rents to the breakeven point so that rents equalled expenses, but then as to those apartments and all other apartments limited yearly increases of rent over the breakeven point to 7–1/2% per annum of the maximum collectible rent -- sometimes stretching those increases out over years -- until such time as these yearly 7–1/2% increases equalled the total increase that the DHCR itself acknowledged was necessary to permit appellants to earn an 8–1/2% return on capital value (Appendix F, pp. 6f-8f, 14f-16f, 22f-25f).

The DHCR adopted this methodology -- yearly increases limited to 7–1/2% of the rent -- in obedience to a separate provision of the rent control law (9 NYCRR § 2201.6, previously cited *see* p. x, *supra*), which places such a limitation on yearly increases, across-the-board for all tenants in all rent-controlled apartments (Appendix F, pp. 5f, 13f, 20f).

(g) The Financial Impact on Appellants of the DHCR Orders. In the courts below, appellants demonstrated by a series of sophisticated, but accurate, calculations for each apartment at issue that this 7–1/2% limitation on yearly

increases made it a certainty that appellants would not earn their statutory return of 8-1/2%, or even a fair return, until many years into the future, if at all (272-286, 302-318, 334-344).

We showed that the central fallacy in the DHCR's methodology defied economic reality: it assumed that over the extended period of time during which yearly increases of rent were limited to 7-1/2% in order to reach a total increase sufficient to generate a return of 8-1/2% on capital value, there would be no rise in the operating expenses of the apartments and no inflation. And, of course, at the end of that extended period, the capital value of the property will also have increased.

Thus, as the uncontested facts below dramatically illustrated, the hardship procedure under rent control in New York, as applied to the facts here, was totally illusory. What the hardship provisions gave, the provisions providing for a limit on yearly increases immediately took away. The DHCR's orders limited appellants to a return on the capital value of their property which was so unreasonably low and which was effective for so long a period that the orders amounted to confiscation.

The chart in the record below for apartment 6A at 444 East 52nd Street is reproduced as an example on the following page. In summary, line 7 of the chart shows, under the wholly implausible assumptions of the DHCR, that after six years of 7-1/2% ordered increases, appellants would be earning an 8-1/2% return in 1988 on 1982 capital value. On line 14, the actual return on 1982 capital value in 1988, once the undisputed annual increases in expenses are taken into account, is 2.46%. The record below contains a similar chart for each apartment (272-286, 302-318, 334-344).

444 East 52nd Street: Hardship Application

Docket Number: 2A040645/59
Alwbl.Monthly Net
$334.23

Apt.: 6-A

Shares: 650

A) Rent & Expenses by Month
B) DRO Computed Return (A.M.N.R.) =

$334.23 x 12 = $4,010.76
DRO Capital Value:
$4,010.76 = $47,185.00
.085

	1982	1983	1984
1. Rent, incl. fuel surcharge per DRO (8/26/82) (A)	$ 627.49	$ 627.49	$ 627.49
2. Ordered (5/14/85) Rent Increases	45.69	49.12	52.80
3. Cumulative Ordered Hardship Rent Increases	45.69	94.81	147.61
4. Total Rent Ordered (Line 1 + Line 3)	673.18	722.30	775.10
5. 1981 Operating Expenses - Audited by DRO	658.71	658.71	658.71
6. DRO Computed Cash Flow (Line 4 - Line 5)	$ 14.47	$ 63.59	$ 116.39
7. DRO Imputed Capital Value (Line 6 x 12 mos. ÷ 8.5%) (B)	$ 2,043.00	$ 8,977.00	$16,432.00
8. DRO Rate of Return (Line 6 x 12 mos. ÷ $47,185.00)	.37%	1.62%	2.96%
9. Operating Expenses: Prior Year Expenses	$ 658.71	$ 658.78	$ 713.96
10. Current Year Increase in Expenses (C)	27.07	28.18	33.20
11. Total Expenses - Current Year (Lines 9 +10)	685.78	713.96	747.16
12. Actual Cash Flow (Line 1 - Line 11)	$ 12.60	$ 8.34	$ 27.84
13. Actual Imputed Capital Value (Line 12 x 12 ÷ 8.5%)	N/A	$1,177.	$3,944.
14. Acutal Rate of Return (Line 12 x 12 mos. ÷ $47.185.00)	N/A	.21%	.71%

C) Rate of Inc. in Expenses
1982 @ 4.11% (Actual)
1983 @ 4.11% (Actual)
1984 & later years @ 4.65%
(% Chng. C.P.I. [NY/NJ]
12/83 to 12/84)

1985	1986	1987	1988
$ 627.49	$ 627.49	$ 627.49	$ 627.49
56.76	61.02	65.60	34.46
204.37	265.39	330.99	365.45
831.86	892.88	958.48	992.94
658.71	658.71	658.71	658.71
$ 173.15	$ 234.17	$ 299.77	$ 334.23
$24,445.	$ 33,059	$42,320.	$ 47,185
4.40%	5.96%	7.62%	8.5%
$ 747.16	$ 781.90	$ 818.26	$ 856.31
34.74	36.36	38.05	39.82
781.90	818.26	856.31	896.13
$ 49.96	$ 74.62	$ 102.17	$ 96.81
$7,053.	$10,535.	$14,424.	$13,667.
1.27%	1.90%	2.60%	2.46%

In addition, we demonstrated the impact of real world economics to the courts below with the affidavit of Dr. Alan Greenspan, a distinguished economist and currently Chairman of the Federal Reserve System (345–356).

Dr. Greenspan showed that, even under the implausible assumption of the DHCR that there will be no increase in operating expenses, including real estate taxes, the challenged orders still substantially diminished the 1982 capital value of appellants' property. He wrote:

> To the extent that the orders of the rent control administrators in those proceedings, do not provide for immediate increases in rent necessary to allow the owners to achieve a return of 8.5% and, instead, provide for any phase in of profitability to reach the statutory 8.5% rate of return on capital, there is in effect a taking of property without due compensation. This is so because of the familiar economic concept that a stream of future income needs to be discounted to determine its current value to the recipient. (346)

Dr. Greenspan also showed that, once a rise in expenses is factored into the pertinent economic data, the fact of confiscation becomes all the more plain (348–349).

Thus, the charts and expert testimony from Dr. Greenspan demonstrated that, once the inevitable rise in operating expenses and the fact of inflation were properly taken into account, the return appellants would be able to earn on the capital value of their apartments was not the 8–1/2% return set forth in the law, but much lower returns in the neighborhood of 1% and 2%. This showing was not disputed by the DHCR.

What makes the result below even more extraordinary is that if appellants had done nothing at all -- if they had

never filed any hardship applications, if they had never pursued their administrative and judicial remedies -- under the MBR system now in effect for rent-controlled properties in New York City (which we previously described, *see*, pp. 4-6, *supra*) they would be in exactly the same position they are in now. This is so because the present MBR system provides virtually automatic increases of 7-1/2% in rent to landlords of rent-controlled properties.

Viewed in this context, in New York, the availability of rent increases for rent-controlled properties becomes no more than a shell game: the pea (a rent increase to which a landlord is entitled) is under some shell (either the MBR increase or the hardship system) -- but individual hardship makes no difference because the result is the same, a 7-1/2% yearly increase. The 7-1/2% limit means, in effect, that a landlord who starts out behind will never be able to catch up and receive a fair return.

(h) Appellants' Unreasonably Low Returns Are a Permanent Condition: Their Property Has Been Transferred to Their Tenants. In New York, there is still a further impediment to a landlord's ever achieving a reasonable return on the capital value of a rent-controlled apartment.

Under New York law, as long as the tenant complies with the lease, he or she cannot be evicted and can enjoy for life the right to the rent-controlled apartment. Then, the right to reside in a rent-controlled apartment can be passed on to family members because the term "tenant" under 9 NYCRR § 2202.2(o) also includes any family members of the tenant who "occupied the apartment for a period of time with the tenant with whom the landlord was in privity." *Herzog v. Joy*, 74 A.D.2d 372, 376, 428 N.Y.S.2d 1, 4 (1980) (sister may remain in occupancy at rent-controlled rent after tenant va-

cates), *aff'd*, 53 N.Y.2d 821, 439 N.Y.S.2d 922, 422 N.E.2d 582 (1981); *see also 2–4 Realty Associates v. Pittman*, N.Y.L.J., at 1, New York Supreme Court (December 15, 1987) (boarders who came to function as a "family unit" with deceased primary tenant obtained the rights to the rent–controlled apartment).

Thus, for all practical purposes, in New York, any "family member" who takes up permanent residence in the apartment before the primary tenant vacates inherits the rent–controlled apartment.

The bottom line for appellants is that their apartments have been effectively deeded to a tenant and to the tenant's family members, who can easily remain in possession of the apartment for an indefinite future. But, for this indefinite future, these apartments will be permanently subject to a system of rent control which deprives the landlord of any realistic opportunity to earn a reasonable return on the capital value of his property.

(i) The Decisions of the Courts Below. The New York courts ignored appellants' showing that the present system was irrational, confiscatory and a violation of appellants' constitutional rights. But not one of the courts below put in writing how it was that no constitutional violation had occurred.

THE QUESTIONS ARE SUBSTANTIAL

This appeal raises issues of public importance which should be decided by this Court. It is simply unfair and unconstitutional to select a particular class of property owners and force them to donate their property to a public purpose and make them finance a public benefit that should be the responsibility of the entire population.

In the courts below, appellants mounted a specific, factual challenge to the application of the existing New York rent control scheme to apartments owned by appellants at three Manhattan apartment houses. Appellants took each individual apartment and demonstrated with facts -- not global complaints about the unfairness of rent control -- how the rent control system had caused a confiscatory result.

Our legal arguments were equally specific: we pointed out that the cases have recognized under the due process clause of the Fourteenth Amendment that there is a point at which the return provided owners of residential property by an ongoing system of rent control is so low as to be a taking. That point, we said, has been reached here where the undisputed rates of return to appellants in 1988 on 1982 capital value -- seven years after the application for "hardship" rent increases were brought -- will have only reached, for example: 2.46% at apartment 6A at 444 East 52nd Street (272); or, .42% at apartment 9A at 44 Gramercy Park North (302); or, 2.15% at apartment 4A at 325 West End Avenue (317).

In response, appellees did not challenge a single aspect of appellants' factual presentation. The facts -- and, hence, the totally illusory nature of appellants' rights under the rent control system to receive reasonable returns -- were conceded.

Instead, the DHCR sought to justify the challenged limitation of yearly rent increases to 7-1/2% by constant references to legislative findings that such a limitation was necessary to prevent speculative, abnormal or unwarranted rent increases in light of the "emergency" caused by an alleged scarcity of rental housing.

As we previously noted, there is a growing consensus that this "emergency", which has existed in New York by legislative fiat for over 40 years, is a self-inflicted wound caused by rent control.

In any event, the rent increases sought by appellants below had none of the characteristics described above. Indeed, they were precisely the increases the DHCR itself determined, after a complete audit of appellants' books, were required to enable appellants to earn an 8-1/2% return on the capital value of their property. Appellants were not denied the increases -- rather, the increases were spread over such a lengthy period of time that they became totally illusory, all out of deference to a legislative determination that in New York tenants of rent-controlled apartments should never be required to pay annual rent increases greater than 7-1/2%.

The constitutional validity of that kind of legislative finding was argued before this Court in *Pennell v. City of San Jose*, 228 Cal. Rptr. 726, 42 Cal.3d 365, 721 P.2d 1111, *app. granted*, 47 S. Ct. Bull. No. 25, A2 (U.S., March 2, 1987) (No. 86-753). There, as noted, the Supreme Court of California examined a San Jose rent control ordinance containing a provision redolent of the 7-1/2% cap in this case -- the ordinance allowed the administrators to take into account a tenant's individual financial circumstances as a reason for denying rent increases greater than the automatic formula increases provided for in the ordinance. Landlords challenged

the constitutionality of this provision of the ordinance. The Supreme Court of California, by a 4 to 3 vote, upheld the constitutionality of the challenged provision.

This Court has just recently heard the merits of the landlord's appeal from the adverse decision of the California Supreme Court.

If anything, New York's across-the-board 7-1/2% limitation is even more suspect than the regulation challenged in *Pennell*. In San Jose, a landlord will not get less than the automatic formula increase unless a tenant has actually demonstrated his inability to pay. Even then, the regulation still provided that the landlord would get a reasonable return. In New York, a tenant's individual circumstances are irrelevant and appellants are deprived of a reasonable return. All tenants of rent-controlled properties -- rich and poor alike -- are entitled to an artificial limit on increases in their rents, even when such a limitation deprives a landlord of the opportunity to earn a reasonable return on his or her property.

Regardless of the ultimate outcome of the *Pennell* case, if there is one legal proposition that ought not to be the subject of controversy, it is that these appellants who have, for all practical purposes, had their property put to a public use have a right to a reasonable return on their property. When government interference with that right is so severe as to amount to confiscation, it is an unconstitutional taking of property. Thus, the Supreme Court of New Jersey wrote: "It is axiomatic that a rent control ordinance must permit an efficient landlord to realize a 'just and reasonable return' on his property." *Helmsley v. Borough of Fort Lee*, 78 N.J. 200, 208, 394 A.2d 65, 70 (1978); *see also Marshal House, Inc. v. Rent Control Board of Brookline*, 358 Mass. 686, 700, 266 N.E.2d 876, 888 (1971) ("a rent control law should . . . insure to

landlords 'a fair return on the value of the property'"); *Fisher v. City of Berkeley*, 37 Cal.3d 644, 209 Cal. Rptr. 682, 693 P.2d 261 (1984) (landlords are entitled to fair and reasonable returns on their property) *aff'd on other grounds*, 475 U.S. 260 (1986).

These decisions merely apply the constitutional "takings" principles, articulated by this Court, to the residential property context. These principles are succinctly stated in *F.C.C. v. Florida Power Corp.*, 107 S. Ct. 1107, 1113 (1987):

> It is of course settled beyond dispute that the regulation of rates chargeable from the employment of private property devoted to public uses is constitutionally permissible. *See Munn v. Illinois*, 94 U.S. [4 Otto] 113, 133–134, 24 L.Ed. 77 (1877); *Permian Basin Area Rate Cases*, 390 U.S. 747, 768–769, 88 S.Ct. 1344, 1360–1361, 20 L.Ed.2d 312 (1968). Such regulation of maximum rates of prices may, consistently with the Constitution, limit stringently the return recovered on investment, for investors' interests provide only one of the variables in the constitutional calculus of reasonableness. *Id.*, at 769, 88 S.Ct., at 1361. So long as the rates set are not confiscatory, the Fifth Amendment does not bar their imposition. *St. Joseph Stock Yards Co. v. United States*, 298 U.S. 38, 53, 56 S.Ct. 720, 726, 80 L.Ed.2d 1033 (1936); *see Permian Basin, supra*, 390 U.S., at 770, 88 S.Ct., at 1361.

Here, the rent control scheme has gone too far. New York has stepped over the line between stringently limited returns and confiscation.

In 1962, when the New York Court of Appeals upheld as facially constitutional the rent control system to which appellants are subjected, it also stated that "the Constitution . . . mandates that a landlord earn reasonable return. . . ." *I.L.F.Y. Company v. City Rent Administration*, 11 N.Y.2d 480,

492, 230 N.Y.S.2d 986, 994–995, 184 N.E.2d 575, 581 (1962). The rent control scheme then provided that landlords should receive a 6% return on value plus 2% for depreciation of the value of the building, just as the current statute provides for an 8–1/2% return, but the landlords did not try to demonstrate in *I.L.F.Y.* that their returns were below the 6% level. The court went on to say in a companion case decided the same day that confiscation under rent control would be established with a "sufficient recital" and "showing" "that the appellant landlords are limited to an unreasonably low return on their investments. . . ." *Bucho Holding Co. v. State Housing Rent Commissioner*, 11 N.Y.2d 469, 474, 230 N.Y.S.2d 977, 980, 184 N.E.2d 569, 571 (1962).

In this case, appellants have done exactly what the New York cases dictated: we asked appellee DHCR to interpret and apply the rent control law in a non–confiscatory manner; it refused to do so -- limiting appellants to 7–1/2% annual rent increases that, as the record unequivocally shows, left appellants with virtually no return on the capital value of their property.

As we demonstrated in the courts below, if rates of return such as 1%, 2% or 3%, as allowed appellants by the DHCR's challenged orders, are not unreasonably low, then they can never be so. This is so whether the rates of return allowed appellants are compared with the New York statutory rate of 8–1/2%, or whether they are merely compared with the rates of return generally available in the marketplace today. In the District of Columbia, under the Rental Housing Act of 1985, a landlord is entitled to obtain rent increases that will immediately provide for a 12% return on the equity in the property which is defined as the assessed value of the property minus the mortgage balance.

In New York, the rent control system is a convenient and politically expedient method to force landlords to provide tenants with low cost housing. As to these appellants, however, the application of this system, by the imposition of an arbitrary 7-1/2% cap on annual rent increases, violates their rights under the Fourteenth Amendment.

* * *

The pernicious effect of the decisions below extends, however, beyond the heavy financial impact on appellants, as shown by two recent decisions by lower federal courts.

In *Hall v. City of Santa Barbara,* 797 F.2d 1493 (9th Cir. 1986), the City of Santa Barbara had granted to trailer park tenants a "transferable" "possessory interest" in their trailer park leases at below market rental rates. Because the trailer park lots had been effectively deeded by the Santa Barbara ordinance to the tenants, the court found a taking of the landlord's property by permanent physical occupation.

Speaking to the rationality of the ordinance, the court recognized the growing consensus that '"rent control causes a reduction in the quality of the existing rental housing stock and discourages investment in new rental property,' actually exacerbating the problems it was intended to ameliorate." *Id.* at 1503, n.26.

Thus, if the landlords proved their allegations at trial, the court stated the ordinance "will do little more than give a windfall to current mobile park tenants at the expense of current mobile park owners" and may also "increase the market price of mobile homes subject to the ordinance" which "may well hinder rather than assist lower-income families

seeking access to rental units in mobile park homes." *Id.* at 1503.

The rationality of rent control in the constitutional takings context, the court wrote, "may have to be reassessed in light of this growing body of thought on this subject." *Id.* at 1503 n.26. The court cited for this proposition *Matsushita Elec. Indust. Co. v. Zenith Radio Corp.*, 475 U.S. 574 (1986), noting that this Court has "reexamined the inference to be drawn in predatory pricing cases in light of recent law and economics commentary on the subject." *Hall, at 1503 n. 26.*

In *Chicago Board of Realtors, Inc. v. The City of Chicago*, 819 F.2d 732 (7th Cir. 1987), a Chicago ordinance was at issue which gave tenants many new rights in the landlord/tenant relationship. For example, under the Chicago ordinance, tenants were given the right to withhold rent when a landlord violates a term of the lease; tenants were also given the right to make minor repairs and subtract their reasonable cost from rent payments. The ordinance also forbade a landlord from charging a tenant more than $10 a month for late payment of rent.

Judges Posner and Easterbrook, concurring, in an opinion which represented the views of the majority of the court, found that one of the landlord's "most promising challenges" to the new regulation was a claim that an important part of the landlord's property was being taken without compensation. Judges Posner and Easterbrook found that "the politics of the ordinance are plain enough" because the "beneficiaries of the ordinance are the most influential group in the City's population." *Id.* at 742. Further, these judges found the statute to be of doubtful merit: "The market for rental housing behaves as economic theory predicts: if price is artificially depressed, or the costs of landlords artificially in-

creased, supply falls and many tenants, usually the poor and newer tenants, are hurt." *Id.* (citations omitted). As the Ninth Circuit recognized in *Hall*, the Seventh Circuit recognized in *City of Chicago:* "'a ceiling on rents reduces the quantity and quality of housing available.'" *Id.* (citations omitted).

If the landlords in *City of Chicago* arguably suffered an unconstitutional taking based on the additional cost to them of the statute's newly created rights for tenants, then surely the appellants in this case are entitled to relief. Unlike the landlords in *City of Chicago*, who could raise rents in response to these increased costs, appellants' rents are controlled by law and the law limits appellants to minuscule returns -- a few dollars over break even -- which appellants demonstrated in the courts below.

The vitality of the constitutional protection for property rights, ignored by the courts below, was given full expression by this Court in *First English Evangelical Lutheran Church of Glendale v. County of Los Angeles,* 107 S. Ct. 2387 (1987). The court held in *Glendale* that a regulation which constitutes a "taking" of property for only a temporary period is nonetheless a taking for which the state must pay compensation. If the state deprives a person of the use and enjoyment of his or her property for however long, then it must pay compensation. Surely, in this case appellants have suffered a taking.

CONCLUSION

This Court should note probable jurisdiction or, in the alternative, it should grant certiorari to review the decisions below. Alternatively, appellants respectfully request that this jurisdictional statement be treated as a petition for writ of certiorari, and granted. 28 U.S.C. § 2103.

Dated: New York, New York
January 11, 1988

Respectfully submitted,

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APPENDIX A

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In the matter of the Application of :
NORMAN PECK, :
Petitioner, :

for a Judgment pursuant to Article 78
of the Civil Practice Law & Rules : Index 16717/85
Index 16718/85
-against- : Index 16719/85

VICTOR BONOMO, CHARLES HERMAN,:
JOHN D. GREEN, LAZAR and LEA
GOTTFRIED, BERNARD GOLDEN :
RAY BERMAN, HOWARD SHAVEL,
JAMES L. MARCUS, HYMAN SUTTON :
MICHAEL FREEDMAN, LESTER LOCKWOOD,
PAUL WEISSMAN and SONIA REESE, :

Intervenor-Respondents. :

- x

60 Centre Street
New York, N. Y.

March 21, 1986

B e f o r e : HON. IRA GAMMERMAN, J. S. C.

A p p e a r a n c e s:

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9 Murray Street
New York, N. Y. 10007
by: MITCHEL I. HERSTIC

Also Present:

ANTHONY McDONALD
Assistant Corporation Counsel
City of New York

Dorn M. Alexander,
Official Court Reporter.

MR. McDONALD: Anthony McDonald, assistant corporation counsel, City of New York. We are not a party to any of these proceedings, but there is a motion pending to enjoin the City as a necessary party in three of the proceedings with petitioners Greene, Peck and Sharp.

THE COURT: Since we are dealing with the State Division of Housing & Community Renewal, why enjoin the City?

MR. BLUMSTEIN: We have made that motion in response to the objection of the D.H.C.R. We couldn't proceed without the City as a necessary party.

THE COURT: If I conclude they are not a necessary party, I take it that eliminates the need for making that motion?

MR. BLUMSTEIN: Correct.

THE COURT: So motions are denied, those motions are denied. Let's determine which ones, I have to notice which motions they were. Number 20 of January 29, Greene vs. Mirabel; 28 of January 29, Greene vs. Mirabel and number 15 of January, Peck vs. Mirabel. I will get those files out and dispose of those.

THE COURT: The issues raised by the remaining applications are the same, are they not?

MR. BLUMSTEIN: They are, Your Honor.

THE COURT: An attack on the constitutionality of the statute?

MR. BLUMSTEIN: As applied, yes, sir.

THE COURT: Why is this attack any different from all the other different attacks on rent control?

MR. BLUMSTEIN: Your Honor, we have done something which I think is little bit different than from what other cases I've seen. In the other cases landlords come in and in general terms, without any specific showing of how a particular statute applies, have said rent control is no good, or rent stabilization is no good, the return is X and that is unfair, that is unreasonable, et cetera, without any showing of what a fair return was or should be, no specific facts were shown.

In our case we've a statute, we've got the State saying eight and a half percent is the return on capital value which we think landlords should get. If they can't get it, they are entitled to apply for a hardship. That is a here and now statute, not something to be obtained in the year 2000 or utopia. We have been able to demonstrate that the application of that statute with the seven and a half per cent cap produces a rather extraordinary result.

THE COURT: You mean seven and a half per cent cap?

MR. BLUMSTEIN: On the annual increase. Don't forget there is no dispute this is hardship. That's the D.H.C.R.

THE COURT: That's why they gave you the increase.

MR. BLUMSTEIN: And in dollar terms they were the increase that we thought we were entitled to, but they spread them out over time, and that makes a big difference, really, when you come down to it. Maybe the whole issue in this case has to do with timing, but when you talk about dollars timing is very important. A dollar today is not what it is going to be tomorrow or five years from now. The whole formula, the whole equation changes, the dollar changes because Proceedings of inflation, expenses go up --

THE COURT: Because of inflation.

MR. BLUMSTEIN: The access value goes up, and when they talk about taking this money and spreading it out over time, they are not giving us eight and a half per cent. I think we demonstrated as best we could, we had to make some projections, but in one of these buildings, I think it is the West End building, 88 & 89, one point one per cent, in some of the other buildings, two point six, sometimes a lower per cent, sometimes a little higher but in that range. This is compared to the statutory return of eight and a half per cent. It is that contrast, that differential which distinguishes this case from all of the other cases, why this is not just a generalized challenge to a legislative scheme. This happens after you apply the hardship provision. We are not talking about whether the Legislature has to pass a statute which is fine tuned no landlord suffers any hardship. That is why you have a hardship provision. We went and we made the application. There is no dispute as to the fact, and we wind up with, for all practical purposes, an overturn. My friend says, well, don't forget those apartments when you show you are losing money, we brought you up to the break even point. That is telling me the apartments have no value. That is the way the system works as it is applied to us.

THE COURT: I have heard arguments of landlords on rent control that the imposition of rent control causes them to lose money, the abandonment of property. This is an argument that has been going on since rent control was established. That argument, I don't see anything unique in your argument. That is what I find puzzling.
Proceedings

MR. ROSENBERG: One difference is that in every

other case, and I guess the closest case could be Bucho, holding where they held for hardship, and the Court of Appeals held in 1970 four per cent might not be unconstitutional, but we see the return that you are getting is six and a half, that we see them getting a six and a half per cent return, we say that is constitutional, that's what we see. We have demonstrated our return as being one and two per cent. We submit that at a certain point a police power is only constitutional so long as one receives or has the ability to receive a reasonable return, whatever number that be. We submit our one per cent demonstration in the papers and our two per cent is below any possible reasonable return.

THE COURT: Let me hear from you.

MR. GROSSMAN: If it please the Court, there have been several points which have been made which we'd like to respond to. First of all, it is not true the previous attacks upon rent control in New York City have not been specific. To the contrary, they have been very specific. There was an attack which was not specific, one recent one was Beene was the defendant, in which the court threw out on that basis, but most of the other cases have been specific attacks by specific landlords against the specific statute or one substantially similar or identical to it in which the landlords claimed they were not making sufficient return. And in all of those cases the courts have held the rent control statute was constitutional.

As far as the point of application to these petitioners is concerned, there is no allegation in these petitions singled out. They are also saying that this is not an attack on a Proceedings legislative scheme. It certainly is. It is an attack on a legislative scheme which provides, in keeping with the Legislature's interest in preventing precipitous rent hikes, for

gradual rent increases toward an eight and a half per cent return. In the cases that have come to this court and have been appealed, the courts uniformly have held that the legislative system for regulating rent increases was constitutional.

We should also keep in mind, Your Honor, that what we are dealing with here are calculations based upon individual apartments rather than entire buildings. The petitioners here are the shareholders of as yet un-sold apartments who are insisting that they are entitled to eight and a half per cent return on each apartment that they have not sold.

THE COURT: You think they should be treated differently than someone who owns an entire building?

MR. GROSSMAN: It is not my position that --

THE COURT: What difference does it make if they are shareholders of a particular apartment or owners of a building?

MR. GROSSMAN: The difference that it makes, Your Honor, is that the calculations which were done in this proceeding were done to afford these petitioners seven and a half per cent increase toward an eight and a half per cent return on every apartment not yet sold, rather than seven and a half per cent increase in all rent control apartments in a building to an eight and a half per cent return on a building.

THE COURT: I see. I understand.

MR. GROSSMAN: The courts have held that the returns which other landlords have claimed was unconstitutionally confiscatory have not been constitutionally confiscatory. This is a valid exercise of police powers to strike a balance between the desire on the part of the landlords for

greater return on their investment and the need to protect the tenants from precipitous rent hikes.

THE COURT: And you, sir?

MR. HERSTIC: I concur with the arguments which Mr. Grossman advances. I will not repeat anything. I'd like to state this definitely is a challenge of the constitutionality of the rent control.

THE COURT: There is no question, nobody is denying that.

MR. HERSTIC: There is no difference between this case and the other case.

THE COURT: I find it very difficult to distinguish this case from Bucho.

MR. GROSSMAN: Let me add one thing.

THE COURT: Presumably the agency took into consideration the economic considerations you discussed in your papers?

MR. GROSSMAN: The accounting file in each of the three buildings, Your Honor, is quite exhaustive. There was a full analysis of the returns and expenses of every apartment down to the cent. And what the respondent did in these cases was simply follow the legislative will as enacted by the City Council in the New York City Rent Law.

Also, insofar as the argument as it applies to them that the statute is unconstitutional, the cases have held that a statute of general application of rent regulation statute could not be so fine tuned as to insure that each and every landlord would get --

THE COURT: The argument being made is as applied is constitutional.

MR. GROSSMAN: But the only time that type of argument of unconstitutional application can succeed is if the claim being made, which it is not being made in this case, that a particular person or class is unfairly singled out in the application of the statute to him or to them.

MR. BLUMSTEIN: That is protection, that is no-due process.

THE COURT: No, I don't think we have to reach that issue at all.

MR. BLUMSTEIN: Can I try? I am going to this case in the Court of Appeals. The Court after finding that the rights were constitutional goes on to say, these are not cases where we can say that the returns are not generally fair and equitable. To me that is a clear indication --

THE COURT: There has been a determination by the agency that the returns are fair and equitable.

MR. BLUMSTEIN: But that doesn't preclude --

THE COURT: I agree, but I am not prepared --

MR. GROSSMAN: The finding by the Legislature that these returns are the proper returns to strike the balance between the need for protection of tenants and of landlords for getting a greater return.

MR. BLUMSTEIN: Like the reverse, the legislative finding, insofar as it feels a rate of return is eight and a half per cent, not one and two per cent.

MR. GROSSMAN: The very same statute also provides for the limitation on rent increases toward that eight and a half per cent return.

MR. BLUMSTEIN: I have heard of the Legislature doing unusual things —

THE COURT: I have indicated I really don't see that case is so different from Bucho. I will follow what is my view as the holding of Bucho. I will deny the application and dismiss the petition.

MR. HERSTIC: Thank you.

MR. BLUMSTEIN: Thank you, Your Honor.

THE COURT: Those petitions are marked withdrawn.

• • •

CERTIFIED TO BE A TRUE AND CORRECT TRANSCRIPT OF MINUTES TAKEN BY ME.

_____ C. R.

APPENDIX B

At a term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York, on April 7, 1987

Present-Hon. Theodore R. Kupferman, Justice Presiding
Joseph P. Sullivan, John Carro
Betty Weinberg Ellerin and George Bundy Smith, Justices.

In the Matter of the Application of
JEROME GREENE, NORMAN PECK, and PETER SHARP
Petitioners-Appellants,

against

MANUEL MIRABEL, Deputy Commissioner, New York State Division of housing and Community Renewal,
Respondent-Respondent.

New York County Clerk's Index No. 16717/85

In the Matter of the Application of 29671-73
JEROME GREENE, NORMAN PECK, and PETER SHARP
Petitioners-Appellants,

against

MANUEL MIRABEL, Deputy Commissioner, New York State Division of housing and Community Renewal,
Respondent-Respondent.

New York County Clerk's Index No. 16718/85

In the Matter of the Application of NORMAN PECK,
Petitioner-Appellant,

against

MANUEL MIRABEL, Deputy Commissioner, New York State Division of housing and Community Renewal,
Respondent-Respondent.
VICTOR BONOMO, et al.,
Intervenors-Respondents.

New York County Clerk's Index No. 16719/85

Appeals having been taken to this Court by the above-named appellants from two orders of the Supreme Court, New York County (Ira Gammerman, J.), both entered on March 28, 1986, and from an order of said court, entered on April 10, 1986,

And said appeals having been argued by Allan Blumtein of counsel for appellants, and by Jan C. Rose of counsel for respondent-respondent; and due deliberation having been had thereon,

It is unanimously ordered that the three orders so appealed from be and the same hereby are affirmed, without costs and without disbursements.

ENTER: HAROLD J. REYNOLDS
Clerk.

APPENDIX C

State of New York,
Court of Appeals

At a session of the Court, held at Court of Appeals Hall in the City of Albany on the ninth day of July A.D. 1987

Present, *HON. SOL WACHTLER, Chief Judge, presiding.*

Mo. No. 766 SSD 52

In the Matter of Jerome Greene, et al.,

Appellants,

vs.

Manuel Mirabel, Deputy Commissioner, & c.,

Respondent.

(and two additional proceedings.)

The appellants having filed notice of appeal in the above title and due consideration having been thereupon had, it is

ORDERED, that the appeal be and the same hereby is dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

Donald M. Sheraw
Clerk of the Court

APPENDIX D

State of New York,
Court of Appeals

At a session of the Court, held at Court of Appeals Hall in the City of Albany on the thirteenth day of October A.D. 1987

Present, *HON. SOL WACHTLER, Chief Judge, presiding.*

1-10 Mo. No. 977
In the Matter of Jerome Greene, et al.,

Appellants,

vs.

Manuel Mirabel, Deputy Commissioner, & c.,

Respondent.

(and two additional proceedings.)

A motion for leave to appeal to the Court of Appeals in the above cause having heretofore been made upon the part of the appellants herein and papers having been submitted thereon and due deliberation having been thereupon had, it is

ORDERED, that the said motion be and the same hereby is denied.

Donald M. Sheraw
Clerk of the Court

APPENDIX E

Administrative Orders of The Office of Rent and Housing Maintenance of The City of New York, Dated September 8, 1983

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40645– 40659 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 444 East 52nd Street (Number And Street) 6A (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue, Suite 1601 New York, N.Y. 10022	Lillian Berger 444 East 52nd Street Apt. 6A New York, N.Y. 10022

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $609.22 to $654.91	per month, effective April 26, 1983
Further increased to $704.03	per month, effective April 26, 1984
Further increased to $756.83	per month, effective April 26, 1985
Further increased to $790.86	per month, effective April 26, 1986

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustmentss ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7-1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7-1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: May 18 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40645– 40659 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 444 East 52nd Street (Number And Street) 6B (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Dorothy Kilday 444 East 52nd Street Apt. 6B New York, N.Y. 10022

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $228.07 to $245.18	per month, effective April 26, 1983
Further increased to $263.57	per month, effective April 26, 1984
Further increased to $279.25	per month, effective April 26, 1985

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustmentss for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7–1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7–1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: May 18 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK-HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40645- 40659 Docket No.

ORDER DENYING APPLICATION OR TERMINATING PROCEEDING

Address Of Subject Building: 444 East 52nd Street (Number And Street) 4C (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Marcel Fernandez Diaz 444 East 52nd Street Apt. 4C New York, N.Y. 10022

After consideration of all the evidence in the record, the District Rent Director (only boxes marked "X" are applicable).

1. /X/ finds that facts in your case do not warrant the relief requested under Section 33.5 of the Regultions.Therefore, it is ordered that said application be and it hereby is denied without prejudice to the filing of another application if other facts can be shown which warrant relief under the regulations.

2. /X/ (Other) No adjustments is warranted for the subject unit.

Issued: May 18 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40645– 40659 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 444 East 52nd Street (Number And Street) 7C (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Peter Glenn 444 East 52nd Street Apt. 7C New York, N.Y. 10022

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $667.69 to $691.27 per month, effective April 26, 1983

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustmentss ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7-1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7-1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: May 18 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40645– 40659 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 444 East 52nd Street (Number And Street) 3D (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Solomon Korkes 444 East 52nd Street Apt. 3D New York, N.Y. 10022

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $375.13 to $403.25	per month, effective April 26, 1983
Further increased to $433.50	per month, effective April 26, 1984
Further increased to $458.82	per month, effective April 26, 1985

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustmentss ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7–1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7–1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: May 18 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40645– 40659 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 444 East 52nd Street (Number And Street) 7D (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Gloria Gellman 444 East 52nd Street Apt. 7D New York, N.Y. 10022

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $393.43 to $422.94	per month, effective April 26, 1983
Further increased to $454.66	per month, effective April 26, 1984
Further increased to $488.76	per month, effective April 26, 1985
Further increased to $496.16	per month, effective April 26, 1986

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustmentss ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7–1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7–1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: May 18 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40645– 40659 Docket No.

ORDER DENYING APPLICATION OR TERMINATING PROCEEDING

Address Of Subject Building: 444 East 52nd Street (Number And Street) 2E (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Gudrun Galloway 444 East 52nd Street Apt. 2E New York, N.Y. 10022

After consideration of all the evidence in the record, the District Rent Director (only boxes marked "X" are applicable).

1. /X/ finds that facts in your case do not warrant the relief requested under Section 33.5 of the Regulations. Therefore, it is ordered that said application be and it hereby is denied without prejudice to the filing of another application if other facts can be shown which warrant relief under the regulations.

2. /X/ (Other) No adjustments is warranted for the subject unit.

Issued: May 18 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40645– 40659 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 444 East 52nd Street (Number And Street) 4E (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Luther Perry 444 East 52nd Street Apt. 4E New York, N.Y. 10022

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $271.42 to $282.25 per month, effective April 26, 1983

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustmentss ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7–1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7–1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: May 18 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK-HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40645- 40659 Docket No.

ORDER DENYING APPLICATION OR TERMINATING PROCEEDING

Address Of Subject Building: 444 East 52nd Street (Number And Street) 8E (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Grover Whalen 444 East 52nd Street Apt. 8E New York, N.Y. 10022

After consideration of all the evidence in the record, the District Rent Director (only boxes marked "X" are applicable).

1. /X/ finds that facts in your case do not warrant the relief requested under Section 33.5 of the Regulations. Therefore, it is ordered that said application be and it hereby is denied without prejudice to the filing of another application if other facts can be shown which warrant relief under the regulations.

2. /X/ (Other) No adjustments is warranted for the subject unit.

Issued: May 18 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40645– 40659 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 444 East 52nd Street (Number And Street) 1F (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Devan Brashich 444 East 52nd Street Apt. 1F New York, N.Y. 10022

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $516.62 to $555.37	per month, effective April 26, 1983
Further increased to $597.02	per month, effective April 26, 1984
Further increased to $637.29	per month, effective April 26, 1985

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustmentss ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7–1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7–1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: May 18 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40645– 40659 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 444 East 52nd Street (Number And Street) 3F (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Alexander Gutman 444 East 52nd Street Apt. 3F New York, N.Y. 10022

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $416.59 to $525.93	per month, effective April 26, 1983
Further increased to $565.37	per month, effective April 26, 1984
Further increased to $607.77	per month, effective April 26, 1985
Further increased to $649.74	per month, effective April 26, 1986

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7–1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7–1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: May 18 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40645– 40659 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 444 East 52nd Street (Number And Street) 4F (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Angela Norwood 444 East 52nd Street Apt. 4F New York, N.Y. 10022

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $680.72 to $731.77 per month, effective April 26, 1983
Further increased to $770.16 per month, effective April 26, 1984

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7-1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7-1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: May 18 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40645– 40659 Docket No.

ORDER DENYING APPLICATION OR TERMINATING PROCEEDING

Address Of Subject Building: (Number And Street) 444 East 52nd Street (Apartment No.) 5F (Borough and Zip Code) New York, N.Y. 10022

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	William Symmers 444 East 52nd Street Apt. 5F New York, N.Y. 10022

After consideration of all the evidence in the record, the District Rent Director (only boxes marked "X" are applicable).

1. /X/ finds that facts in your case do not warrant the relief requested under Section 33.5 of the Regulations.Therefore, it is ordered that said application be and it hereby is denied without prejudice to the filing of another application if other facts can be shown which warrant relief under the regula vbctions.

2. /X/ (Other) No adjustment is warranted for the subject unit.

Issued: May 18 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40645– 40659 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 444 East 52nd Street (Number And Street) 6F (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	John Miller 444 East 52nd Street Apt. 6F New York, N.Y. 10022

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $692.04 to $693.30 per month, effective April 26, 1983

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7-1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7-1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: May 18 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40645– 40659 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 444 East 52nd Street (Number And Street) PHN (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	James Henderson 444 East 52nd Street Apt. PHN New York, N.Y. 10022

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $1,089.53–$1,618.34	per month,	effective April 26, 1983
Further increased to $1,739.72	per month,	effective April 26, 1984
Further increased to $1,870.20	per month,	effective April 26, 1985
Further increased to $1,894.40	per month,	effective April 26, 1986

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7–1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7–1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: May 18 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40660– 40678 Docket No.

ORDER DENYING APPLICATION OR TERMINATING PROCEEDING

Address Of Subject Building: 44 Gramercy Park North (Number And Street) 4A (Apartment No.) New York, N.Y. 10010 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Norman Peck, c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Andrew J. Kirch 44 Gramercy Park North Apt. 4A New York, N.Y. 10010

After consideration of all the evidence in the record, the District Rent Director (only boxes marked "X" are applicable).

1. /X/ finds that facts in your case do not warrant the relief requested under Section 33.5 of the Regulations.Therefore, it is ordered that said application be and it hereby is denied without prejudice to the filing of another application if other facts can be shown which warrant relief under the regulations.

Issued: September 8 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40660– 40678 Docket No.

ORDER DENYING APPLICATION OR TERMINATING PROCEEDING

Address Of Subject Building: 44 Gramercy Park North (Number And Street) 5A (Apartment No.) New York, N.Y. 10010 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Norman Peck, c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Morton S. James 44 Gramercy Park North Apt. 5A New York, N.Y. 10010

After consideration of all the evidence in the record, the District Rent Director (only boxes marked "X" are applicable).

1. /X/ finds that facts in your case do not warrant the relief requested under Section 33.5 of the Regulations. Therefore, it is ordered that said application be and it hereby is denied without prejudice to the filing of another application if other facts can be shown which warrant relief under the regulations.

Issued: September 8 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40660– 40678 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 44 Gramercy Park North (Number And Street) 6A (Apartment No.) New York, N.Y. 10010 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Norman Peck, c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Jon M. Krol 44 Gramercy Park North Apt.6A New York, N.Y. 10010

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $507.92 to $552.38	per month, effective August 3, 1983
Increased from $693.81	per month, effective August 3, 1984
Increased from $638.35	per month, effective August 3, 1985
Increased from $680.42	per month, effective August 3, 1986

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7-1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7-1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: September 8 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40660– 40678 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: (Number And Street) 44 Gramercy Park North (Apartment No.) 9A (Borough and Zip Code) New York, N.Y. 10010

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Norman Peck, c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Elaine Wagner 44 Gramercy Park North Apt. 9A New York, N.Y. 10010

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $522.47 to $561.66	per month, effective August 3, 1983
Increased from $603.78	per month, effective August 3, 1984
Increased from $641.64	per month, effective August 3, 1985

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7–1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7–1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: September 8 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40660– 40678 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: (Number And Street) 44 Gramercy Park North (Apartment No.) 11A (Borough and Zip Code) New York, N.Y. 10010

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Norman Peck, c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Harry S. Guthait 44 Gramercy Park North Apt. 11A New York, N.Y. 10010

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $532.17 to $572.08	per month, effective August 3, 1983
Increased from $614.99	per month, effective August 3, 1984
Increased from $632.64	per month, effective August 3, 1985

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7-1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7-1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: September 8 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40660– 40678 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: (Number And Street) 44Gramercy Park North (Apartment No.) 16A (Borough and Zip Code) New York, N.Y. 10010

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Norman Peck, c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Gustav Rosenberg 44 Gramercy Park North Apt. 16A New York, N.Y. 10010

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $509.65 to $547.87 per month, effective August 26, 1983
Further increased to $561.54 per month, effective August 26, 1984

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7–1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7–1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: September 8 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40660– 40678 Docket No.

ORDER DENYING APPLICATION OR TERMINATING PROCEEDING

Address Of Subject Building: 44 Gramercy Park North (Number And Street) 14B (Apartment No.) New York, N.Y. 10010 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Norman Peck, c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Sue Greene 44 Gramercy Park North Apt. 14B New York, N.Y. 10010

After consideration of all the evidence in the record, the District Rent Director (only boxes marked "X" are applicable).

1. /X/ finds that facts in your case do not warrant the relief requested under Section 33.5 of the Regulations.Therefore, it is ordered that said application be and it hereby is denied without prejudice to the filing of another application if other facts can be shown which warrant relief under the regulations.

Issued: September 8 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40660– 40678 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: (Number And Street) (Apartment No.) (Borough and Zip Code) 44 Gramercy Park North 2C New York, N.Y. 10010

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Norman Peck, c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Martain Weil 44 Gramercy Park North Apt. 2C New York, N.Y. 10010

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $576.35 to $619.58 per month, effective August 26, 1983
Further increased to $628.71 per month, effective August 26, 1984

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7–1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7–1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: September 8 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40660– 40678 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 44 Gramercy Park North (Number And Street) 10C (Apartment No.) New York, N.Y. 10010 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Norman Peck, c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Hyman Rosenstein 44 Gramercy Park North Apt. 10C New York, N.Y. 10010

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $597.27 to $642.07 per month, effective August 3, 1983
Further increased to $661.03 per month, effective August 3, 1984

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7–1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7–1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: September 8 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40660– 40678 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 44 Gramercy Park North (Number And Street) 12C (Apartment No.) New York, N.Y. 10010 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Norman Peck, c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Ruth Greenberg 44 Gramercy Park North Apt. 12C New York, N.Y. 10010

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $475.24 to $509.82 per month, effective August 3, 1983

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7–1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7–1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: September 8 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40660– 40678 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: (Number And Street) 44 Gramercy Park North (Apartment No.) 9D (Borough and Zip Code) New York, N.Y. 10010

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Norman Peck, c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Milton Birnbaum 44 Gramercy Park North Apt. 9D New York, N.Y. 10010

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $424.81 to $438.72 per month, effective August 3, 1983

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7-1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7-1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: September 8 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40660– 40678 Docket No.

ORDER DENYING APPLICATION OR TERMINATING PROCEEDING

Address Of Subject Building: 44 Gramercy Park North (Number And Street) 2E (Apartment No.) New York, N.Y. 10010 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Norman Peck, c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Walter Mitchell 44 Gramercy Park North Apt. 2E New York, N.Y. 10010

After consideration of all the evidence in the record, the District Rent Director (only boxes marked "X" are applicable).

1. /X/ finds that facts in your case do not warrant the relief requested under Section 33.5 of the Regulations. Therefore, it is ordered that said application be and it hereby is denied without prejudice to the filing of another application if other facts can be shown which warrant relief under the regulations.

Issued: September 8 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40660– 40678 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 44 Gramercy Park North (Number And Street) 10E (Apartment No.) New York, N.Y. 10010 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Norman Peck, c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	John F. Baier 44 Gramercy Park North 10E New York, N.Y. 10010

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $391.89 to $412.87 per month, effective August 3, 1983

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7–1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7–1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: September 8 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40660– 40678 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 44 Gramercy Park North (Number And Street) 3F (Apartment No.) New York, N.Y. 10010 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Norman Peck, c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Doris Tabachnik 44 Gramercy Park North 3F New York, N.Y. 10010

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $362.19 to $374.10 per month, effective August 3, 1983

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7-1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7-1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: September 8 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40660– 40678 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 44 Gramercy Park North 10F New York, N.Y. 10010
(Number And Street) (Apartment No.) (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Norman Peck, c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Peter Michelson 44 Gramercy Park North 10F New York, N.Y. 10010

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $410.53 to $419.33 per month, effective August 3, 1983

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7–1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7–1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: September 8 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK-HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40679- 40691 Docket No.

ORDER ADJUSTING MAXIMUM RENT

(Number And Street) (Apartment No.) (Borough and Zip Code)

Address Of Subject Building: 325 West End Avenue 4A New York, N.Y. 10022

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Victor Bonomo 325 West End Avenue Apt. 4A New York, N.Y. 10023

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $782.39 to $841.07	per month, effective August 22, 1983
Further increased to $904.15	per month, effective August 22, 1984
Further increased to $949.83	per month, effective August 22, 1985

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7-1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7-1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: August 29 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40679– 40691 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 325 West End Avenue (Number And Street) 6A (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Charles Herman 325 West End Avenue Apt. 6A New York, N.Y. 10023

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $620.09 to $761.21	per month, effective August 22, 1983
Further increased to $818.30	per month, effective August 22, 1984
Further increased to $879.67	per month, effective August 22, 1985
Further increased to $945.65	per month, effective August 22, 1986
Further increased to $977.47	per month, effective August 22, 1987

The Maximum Collectible rents indicated above do not include fuel cost adjustments. The above Rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7–1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7–1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: August 29 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40679– 40691 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 325 West End Avenue (Number And Street) 7A (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	John D. Greene 325 West End Avenue 7A New York, N.Y. 10023

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $947.29 to $1,005,10 per month, effective August 22, 1983

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7–1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7–1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: August 29 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40679– 40691 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 325 West End Avenue (Number And Street) 6B (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Lazar & Lea Gottfried 325 West End Avenue Apt. 6B New York, N.Y. 10023

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $501.14 to $596.89	per month, effective August 22, 1983
Further increased to $641.66	per month, effective August 22, 1984
Further increased to $689.78	per month, effective August 22, 1985
Further increased to $741.51	per month, effective August 22, 1986
Further increased to $766.39	per month, effective August 22, 1987

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7–1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7–1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: August 29 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40679– 40691 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 325 West End Avenue (Number And Street) 4C (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Bernard Golden 325 West End Avenue Apt. 4C New York, N.Y. 10023

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $371.65 to $416.69	per month, effective August 22, 1983
Further increased to $447.94	per month, effective August 22, 1984
Further increased to $481.54	per month, effective August 22, 1985
Further increased to $517.66	per month, effective August 22, 1986
Further increased to $536.51	per month, effective August 22, 1987

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7-1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7-1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: August 29 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK-HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40679- 40691 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 325 West End Avenue (Number And Street) 9C (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Ray Berman 325 West End Avenue Apt. 9C New York, N.Y. 10023

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $554.28 to $595.85	per month, effective August 22, 1983
Further increased to $640.54	per month, effective August 22, 1984
Further increased to $674.67	per month, effective August 22, 1985

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7-1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7-1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: August 29 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40679– 40691 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 325 West End Avenue (Number And Street) 10C (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Howard Shavel 325 West End Avenue Apt. 10C New York, N.Y. 10023

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Increased from $524.76 to $564.12	per month, effective August 22, 1983
Further increased to $606.43	per month, effective August 22, 1984
Further increased to $651.91	per month, effective August 22, 1985
Further increased to $688.48	per month, effective August 22, 1986

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7-1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7-1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: August 29 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40679– 40691 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: (Number And Street) 325 West End Avenue (Apartment No.) 11C (Borough and Zip Code) New York, N.Y. 10022

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	James L. Marcus 325 West End Avenue Apt. 11C New York, N.Y. 10023

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $544.42 to $585.25	per month, effective August 22, 1983
Further increased to $629.14	per month, effective August 22, 1984
Further increased to $676.33	per month, effective August 22, 1985
Further increased to $716.12	per month, effective August 22, 1986

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7–1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7–1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: August 29 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40679– 40691 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 325 West End Avenue (Number And Street) 2D (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Hyman Sutton 325 West End Avenue Apt. 2D New York, N.Y. 10023

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $548.34 to $630.49	per month, effective August 22, 1983
Further increased to $677.78	per month, effective August 22, 1984
Further increased to $728.61	per month, effective August 22, 1985
Further increased to $783.26	per month, effective August 22, 1986
Further increased to $811.68	per month, effective August 22, 1987

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7-1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7-1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: August 29 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40679– 40691 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 325 West End Avenue (Number And Street) 3D (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Michael Freedman 325 West End Avenue Apt. 3D New York, N.Y. 10023

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $540.41 to $641.38	per month, effective August 22, 1983
Further increased to $689.48	per month, effective August 22, 1984
Further increased to $741.19	per month, effective August 22, 1985
Further increased to $796.78	per month, effective August 22, 1986
Further increased to $825.49	per month, effective August 22, 1987

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7–1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7–1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: August 29 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40679– 40691 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 325 West End Avenue (Number And Street) 4D (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Lester Lockwood 325 West End Avenue Apt. 4D New York, N.Y. 10023

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $659.43 to $708.89	per month, effective August 22, 1983
Further increased to $762.06	per month, effective August 22, 1984
Further increased to $819.21	per month, effective August 22, 1985
Further increased to $853.13	per month, effective August 22, 1986

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7–1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7–1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: August 29 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK–HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40679– 40691 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 325 West End Avenue (Number And Street) 8D (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	Paul Weissman 325 West End Avenue Apt. 8D New York, N.Y. 10023

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $578.36 to $761.21	per month, effective August 22, 1983
Further increased to $818.30	per month, effective August 22, 1984
Further increased to $879.67	per month, effective August 22, 1985
Further increased to $945.65	per month, effective August 22, 1986
Further increased to $977.47	per month, effective August 22, 1987

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7–1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7–1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: August 29 1983

Sylton B. Warden
District Rent Director

THE CITY OF NEW YORK-HDA DEPARTMENT OF RENT and HOUSING MAINTENANCE OFFICE OF RENT CONTROL	OFFICE OF RENT CONTROL 2AO DISTRICT RENT OFFICE 2 LAFAYETTE STREET NEW YORK, N.Y. 10007	40679- 40691 Docket No.

ORDER ADJUSTING MAXIMUM RENT

Address Of Subject Building: 325 West End Avenue (Number And Street) 12D (Apartment No.) New York, N.Y. 10022 (Borough and Zip Code)

MAILING ADDRESS OF LANDLORD:	MAILING ADDRESS OF TENANT:
Jerome Greene c/o Church Mgmt., A Division of Peter Sharp & Co., Inc., Agents 555 Madison Avenue Suite 1601 New York, N.Y. 10022	325 West End Avenue 12D New York, N.Y. 10023

After consideration of the evidence in the record, and upon grounds stated in Section 33.5 of the Regulations, the District Rent Director finds that the maximum rent for the above described housing accommodation should be adjusted to yield an 8.5 percent return of the valuation of the property.

Therefore, it is ordered that the maximum rent for the above described housing accommodation be, and hereby is increased effective on the date(s) set forth below:

Increased from $842.85 to $906.06	per month, effective August 22, 1983
Further increased to $974.01	per month, effective August 22, 1984
Further increased to $1.047.06	per month, effective August 22, 1985
Further increased to $1,060.36	per month, effective August 22, 1986

The Maximum Collectible Rents indicated above do not include fuel cost adjustments. The above rents also include any adjustments for services and equipment ordered prior to the issuance of this order.

Section 26 of the Regulations provides that rent adjustments ordered pursuant to Section 33.5, together with those received under the Maximum Base Rent Program, may not exceed 7-1/2 percent in any calendar year. The maximum rents being ordered above, under Section 33.5, consider such limitation. Accordingly, on the effective date(s) prescribed, the tenant is required to pay the amount(s) indicated or such collectible rent(s), if any, that may have been ordered under the Maximum Base Rent Program, whichever is greater. However, Section 33d(2) of the Regulations provide that the 7-1/2% limitation set forth in Section 26 may be waived by the Administrator where a greater increase is necessary to make the earned income of the property equal to its operating expenses.

Issued: August 29 1983

Sylton B. Warden
District Rent Director

APPENDIX F

The Three Orders and Opinions of Manuel Mirabel, Deputy Commissioner of the New York State Division of Housing and Community Renewal, Dated May 14, 1985

STATE OF NEW YORK DIVISION OF HOUSING AND COMMUNITY RENEWAL OFFICE OF RENT ADMINISTRATION
17 John Street
New York, New York 10038

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IN THE MATTER OF THE ADMINISTRATIVE APPEAL OF	:J.R. No. 213
	Administrative Appeal
NORMAN PECK PETER SHARP JEROME GREENE	:Docket Nos. CPLAO 897/911
	:D.R.O. Docket Nos.
Petitioner	: 2AO 40645/59

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ORDER AND OPINION GRANTING IN PART ADMINISTRATIVE APPEAL AFTER REOPENING PROCEEDING PURSUANT TO JUDGMENT OF COURT AND RENT ADJUSTMENT SCHEDULE

On June 23, 1983 the above-named petitioner-landlord filed Appeals against Orders issued on May 18, 1983 by the District Rent Administrator of the Lower Manhattan District Rent Office, concerning the housing accommodations known as 444 East 52nd Street, New York, New York, Various Accommodations.

Subsequent thereto, the petitioner--landlord filed a petition in the Supreme Court pursuant to Article 78 of the

Civil Practice Law and Rules requesting that the Orders of the District Rent Administrator be modified, since the protests were deemed denied by operation of law.

On May 11, 1984 an order was signed by Mr. Justice Burton S. Sherman remitting the proceeding to the Division of Housing and Community Renewal for consideration on the merits.

On September 19, 1984 the Commissioner issued an order and opinion denying the landlord's administrative appeals.

Thereafter, the landlord filed another petition for judicial review requesting that the order of the Commissioner be annulled.

Subsequent thereto an order was entered remitting the proceedings to this Department for further consideration.

On January 29, 1985 the Commissioner issued an order reopening these proceedings for further consideration.

The landlord, the owner of unsold shares in the subject cooperatively owned building, filed an application on August 26, 1982 for increases in the maximum rents of the various accommodations, which were being occupied by tenants who had not purchased the shares allocated therefor. In the application it was requested that the 1982/83 equalized assessed valuation of the subject building, $2,029,378.00 be used as the valuation base for calculating the increases.

On May 18, 1983, the District Rent Administrator issued orders using as the valuation base the adjusted sales price of $916,295.37 which was paid upon acquisition of the property on February 21, 1966. The adjustments ordered were

governed by the limitation of no increases being greater than 7-1/2 percent per year, in accordance with the applicable provisions of the Rent Law and Regulations, 9 NYCRR Sections 2201.6 and 2202.3(d).

In his appeal, and reiterated in the Article 78 petition for judicial review, the landlord contends, in substance, that utilizing the 1966 purchase price, rather than the equalized assessed valuation, and limiting the adjustments to 7-1/2 percent per year, were arbitrary and capricious and constituted an unconstitutional taking of property without due process of law.

After a careful reconsideration of the entire evidence of record, the Commissioner is of the opinion that this administrative appeal should be granted in part.

The landlord challenges, as arbitrary and capricious, the use of a 1966 sales price as the valuation base, and contends that rent adjustments necessary for the landlord to earn a return of 8-1/2 percent on capital value should have been computed based on the equalized assessed valuation of the subject building.

The applicable provision of the Rent Law and Regulations (9 NYCRR Section 2202.8) allows a landlord to seek rent increases when the premises are not providing " . . . a return of 8-1/2 percent on capital value which (except as provided in paragraphs b and c of this section) shall be the equalized assessed value . . . ". Paragraph c provides that where there has been a bona fide sale of the property since February 1, 1961, the purchase price may be used as the valuation base. (Emphasis supplied).

The use of a sales price, rather than the equalized assessed valuation of the property, is premised on the as-

sumption that the sales price may be a more useful index of value.

Upon reconsideration of the facts in this particular proceeding, the Commissioner is of the opinion and finds that the price paid for the subject premises 16 years prior to the time the instant application was filed does not accurately reflect the real value of the subject premises; and that the 1982/83 equalized assessed value of $2,029,378.00 is the more appropriate index of value in this proceeding. Accordingly, hardship grants have been recalculated, as reflected in the attached schedule, using the 1982/83 equalized assessed value of the subject premises as the valuation base.

The Regulations (9 NYCRR Section 2202.2) further provide, in pertinent part, that where a hardship grant is based upon the assessed value of the building, and no order is issued within four months of the date of the application, the increase shall be effective and collectible four months from the date of the filing of the application (rather than eight months when the purchase price is used). In view of the fact that the recomputed hardship adjustments are predicated on the equalized assessed value of the subject premises, rather than the purchase price, the effective date of the District Rent Administrator's orders (and subsequent anniversary dates thereof) have also been changed from May 18, 1983 to December 26, 1982 as reflected in the attached schedule.

The landlord further contends that limiting collectible increases to 7-1/2 percent per year amounts to an unconstitutional taking of property without due process of law. The legislature of the State of New York, as set forth in Section 2 of the State Enabling Act and reiterated by the City Council of the City of New York, found that preventive action was imperative to regulate and control residential rents and evictions

to avoid disruptive practices and abnormal conditions which would produce serious threats to the public health safety and general welfare. In enacting the Omnibus Housing Act of 1983 (Chapter 403 of the Laws of 1983 as amended) the State Legislature gave renewed recognition to the serious public housing emergency which continues to exist in New York.

The applicable regulations, under which the landlord herein sought relief in the first instance, limits with certain exceptions the collectibility of hardship and maximum base rent increases or both in combination to no more than 7–1/2 percent in one calendar year. Said regulations are in conformity with State and Local Laws, the constitutionality of which have been upheld by the courts as a valid exercise of the police power of the State, consistent with the need to prevent speculative, unwarranted and abnormal rent increases.

Therefore, in accordance with the provisions of the Rent and Eviction Regulations for New York City, Chapter 403, Laws of 1983 as amended by Chapter 102, Laws of 1984 and Operational Bulletin 84–1, it is

ORDERED, that this administrative appeal be, and the same hereby is granted in part; that the orders of the District Rent Administrator be, and the same hereby are modified consistent with the findings herein, as reflected in the attached Schedule of Rent Increases; and that as so modified said orders be, and the same hereby are affirmed; and it is further

ORDERED, that the tenants may pay any arrears in rent resulting from this order in six equal monthly installments.

ISSUED May 14, 1985

s/Manuel Mirabal
MANUEL MIRABAL
Deputy Commisioner

C.J.R. No. 213
CPLAO 897/911
444 E. 52 St.

RENT ADJUSTMENT SCHEDULE

Apartment No.	Amount of Increase	New Rent (without fuel cost adjustment)	Effective Date of Increase
1F	$ 38.75	$555.37	12/26/82
	41.65	597.02	12/26/83
	44.78	641.80	12/26/84
	48.14	689.94	12/26/85
	51.75	741.69	12/26/86
	44.05	785.74	12/26/87
2E	20.97	339.65	12/26/82
3D	28.13	403.26	12/26/82
	30.24	433.50	12/26/83
	32.51	466.01	12/26/84
	34.95	500.96	12/26/85
	37.57	538.53	12/26/86
	27.75	566.28	12/26/87
3F	110.23*	526.82	12/26/82
	39.51	566.33	12/26/83
	42.47	608.80	12/26/84
	45.66	654.46	12/26/85
	49.08	703.54	12/26/86
	52.77	756.31	12/26/87
	44.72	801.03	12/26/88
4C	51.05	731.77	12/26/82
	54.88	786.65	12/26/83
	42.89	829.54	12/26/84

*The Rent Regulations, 9 NYCRR 2202.3d(2), provide that the 7½ percent limitation may be waived by the Administrator where a greater increase is necessary to make the earned income from the property equal to its operating expenses.

4E	20.36	291.78	12/26/82
	21.88	313.66	12/26/83
	23.52	337.18	12/26/84
	10.10	347.28	12/26/85
4F	51.05	731.77	12/26/82
	54.88	786.65	12/26/83
	59.00	845.65	12/26/84
	63.42	909.07	12/26/85
	40.65	949.72	12/26/86
5F	51.48	737.87	12/26/82
	55.34	793.21	12/26/83
	25.11	818.32	12/26/84
6A	45.69	654.91	12/26/82
	49.12	704.03	12/26/83
	52.80	756.83	12/26/84
	56.76	813.59	12/26/85
	61.02	874.61	12/26/86
	65.60	940.21	12/26/87
	34.46	974.67	12/26/88
6B	17.10	245.17	12/26/82
	18.39	263.56	12/26/83
	19.77	283.33	12/26/84
	21.25	304.58	12/26/85
	22.84	327.42	12/26/86
	16.81	344.23	12/26/87
6F	51.90	743.94	12/26/82
	55.80	799.74	12/26/83
	54.75	854.49	12/26/84
7C	50.08	717.77	12/26/82
	53.83	771.60	12/26/83
	57.87	829.47	12/26/84
	22.99	852.46	12/26/85

7D	29.51	442.94	12/26/82
	31.72	454.66	12/26/83
	34.10	488.76	12/26/84
	36.66	525.42	12/26/85
	39.41	564.83	12/26/86
	42.36	607.19	12/26/87
	4.91	612.10	12/26/88
8E	35.50	508.77	12/26/82
	38.16	546.93	12/26/83
	10.15	557.08	12/26/84
PH-N	531.51	1621.04	12/26.82
	121.58	1742.62	12/26/83
	130.70	1873.32	12/26/84
	140.50	2013.82	12/26/85
	151.04	2164.86	12/26/86
	162.36	2327.22	12/26/87
	126.70	2453.92	12/26/88

The Rent Regulations, 9 NYCRR 2202.3d(2), provide that the 7½ percent limitation may be waived by the Administrator where a greater increase is necessary to make the earned income from the property equal to its operating expenses.

STATE OF NEW YORK
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION
17 John Street
New York, New York 10038

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IN THE MATTER OF THE ADMINISTRATIVE APPEAL OF :J.R. No. 213A

Administrative Appeal

NORMAN PECK :Docket Nos. CPLAO 912/924

:D.R.O. Docket Nos.

Petitioner : 2AO 40679/691

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ORDER AND OPINION GRANTING IN PART ADMINISTRATIVE APPEAL AFTER REOPENING PROCEEDING PURSUANT TO JUDGMENT OF COURT AND RENT ADJUSTMENT SCHEDULE

On September 30, 1983 the above-named petitioner-landlord filed Appeals against Orders issued on August 29, 1983 by the District Rent Administrator of the Lower Manhattan District Rent Office, concerning the housing accommodations known as 325 West End Avenue, New York, New York, Various Accommodations.

Subsequent thereto, the petitioner-landlord filed a petition in the Supreme Court pursuant to Article 78 of the

Civil Practice Law and Rules requesting that the Orders of the District Rent Administrator be modified, since the protests were deemed denied by operation of law.

On June 18, 1984 an order was signed by Mr. Justice Eugene R. Wolin remitting the proceeding to the Division of Housing and Community Renewal for consideration on the merits.

On September 19, 1984 the Commissioner issued an order and opinion denying the landlord's administrative appeals.

Thereafter, the landlord filed another petition for judicial review requesting that the order of the Commissioner be annulled.

Subsequent thereto an order was entered remitting the proceedings to this Department for further consideration.

On January 29, 1985 the Commissioner issued an order reopening these proceedings for further consideration.

The landlord, the owner of unsold shares in the subject cooperatively owned building, filed an application on December 22, 1982 for increases in the maximum rents of the various accommodations, which were being occupied by tenants who had not purchased the shares allocated therefor. In the application it was requested that the 1982/83 equalized assessed valuation of the subject building, $2,455,600.00, be used as the valuation base for calculating the increases.

On August 29, 1983, the District Rent Administrator issued orders using as the valuation base the sales price of $1,300,000.00, which was paid upon acquisition of the property on July 28, 1966. The adjustments ordered were gov-

erned by the limitation of no increases being greater than 7-1/2 percent per year, in accordance with the applicable provisions of the Rent Law and Regulations, 9 NYCRR Sec- tions 2201.6 and 2202.3(d).

In his appeal, and reiterated in the Article 78 petition for judicial review, the landlord contends, in substance, that utilizing the 1966 purchase price, rather than the equalized assessed valuation, and limiting the adjustments to 7-1/2 percent per year, were arbitrary and capricious and constituted an unconstitutional taking of property without due process of law.

After a careful reconsideration of the entire evidence of record, the Commissioner is of the opinion that this administrative appeal should be granted in part.

The landlord challenges, as arbitrary and capricious, the use of a 1966 sales price as the valuation base, and contends that rent adjustments necessary for the landlord to earn a return of 8-1/2 percent on capital value should have been computed based on the equalized assessed valuation of the subject building.

The applicable provision of the Rent Law and Regulations (9 NYCRR Section 2202.8) allows a landlord to seek rent increases when the premises are not providing " . . . a return of 8 1/2 percent on capital value which (except as provided in paragraphs b and c of this section) shall be the equalized assessed value . . .". Paragraph c provides that where there has been a bona fide sale of the property since February 1, 1961, the purchase price may be used as the valuation base. (Emphasis supplied).

The use of a sales price, rather than the equalized assessed valuation of the property, is premised on the as-

sumption that the sales price may be a more useful index of value.

Upon reconsideration of the facts in this particular proceeding, the Commissioner is of the opinion and finds that the price paid for the subject premises 16 years prior to the time the instant application was filed does not accurately reflect the real value of the subject premises; and that the 1982/83 equalized assessed value of $2,455,600.00, is the more appropriate index of value in this proceeding. Accordingly, hardship grants have been recalcu- lated, as reflected in the attached schedule, using the 1982/83 equalized assessed value of the subject premises as the valuation base.

The Regulations (9 NYCRR Section 2202.2) further provide, in pertinent part, that where a hardship grant is based upon the assessed value of the building, and no order is issued within four months of the date of the application, the increase shall be effective and collectible four months from the date of the filing of the application (rather than eight months when the purchase price is used). In view of the fact that the recomputed hardship adjustments are predicated on the equalized assessed value of the subject premises, rather than the purchase price, the effective date of the District Rent Administrator's orders (and subsequent anniversary dates thereof) have also been changed from August 22, 1983 to April 22, 1983 as reflected in the attached schedule.

The landlord further contends that limiting collectible increases to 7-1/2 percent per year amounts to an unconstitutional taking of property without due process of law. The legislature of the State of New York, as set forth in Section 2 of the State Enabling Act and reiterated by the City Council of the City of New York, found that preventive action was imperative to regulate and control residential rents and evictions

to avoid disruptive practices and abnormal conditions which would produce serious threats to the public health safety and general welfare. In enacting the Omnibus Housing Act of 1983 (Chapter 403 of the Laws of 1983 as amended) the State Legislature gave renewed recognition to the serious public housing emergency which continues to exist in New York.

The applicable regulations, under which the landlord herein sought relief in the first instance, limits with certain exceptions the collectibility of hardship and maximum base rent increases or both in combination to no more than 7-1/2 percent in one calendar year. Said regulations are in conformity with State and Local Laws, the constitutionality of which have been upheld by the courts as a valid exercise of the police power of the State, consistent with the need to prevent speculative, unwarranted and abnormal rent increases.

Therefore, in accordance with the provisions of the Rent and Eviction Regulations for New York City, Chapter 403, Laws of 1983 as amended by Chapter 102, Laws of 1984 and Operational Bulletin 84-1, it is

ORDERED, that this administrative appeal be, and the same hereby is granted in part; that the orders of the District Rent Administrator be, and the same hereby are modified consistent with the findings herein, as reflected in the attached Schedule of Rent Increases; and that as so modified said orders be, and the same hereby are affirmed; and it is further

ORDERED, that the tenants may pay any arrears in rent resulting from this order in six equal monthly installments.

ISSUED May 14, 1985

s/Manuel Mirabal
MANUEL MIRABAL
Deputy Commissioner

325 West End Avenue C.J.R. No. 213A:

CPLAO 912/924

RENT ADJUSTMENT SCHEDULE

Apartment No.	Amount of Increase	New Rent (without Fuel Cost Adjustment)	Effective Date of Rent Increase
2D	$ 82.15*	$630.49	4/22/83
	47.29	677.78	4/22/84
	50.83	728.61	4/22/85
	54.65	783.26	4/22/86
	58.74	842.00	4/22/87
	63.15	905.15	4/22/88
	65.14	970.29	4/22/89
3D	$100.97*	$641.38	4/22/83
	48.10	689.48	4/22/84
	51.71	741.19	4/22/85
	55.59	796.78	4/22/86
	59.76	856.54	4/22/87
	64.24	920.78	4/22/88
	65.88	968.66	4/22/89
4A	$ 58.68	$841.07	4/22/83
	63.08	904.15	4/22/84
	67.81	971.96	4/22/85
	72.90	1044.86	4/22/86
	78.36	1123.22	4/22/87
	10.81	1134.03	4/22/88
4C	$ 45.04*	$416.69	4/22/83
	31.25	447.94	4/22/84
	33.60	481.54	4/22/85
	36.12	517.66	4/22/86
	38.82	556.48	4/22/87
	41.74	598.22	4/22/88
	43.18	641.40	4/22/89

*The Rent Law and Regulations, 9NYCRR Section 2202.3d(2), provide that the 7½ percent limitation may be waived by the Administrator where a greater increase is necessary to make the earned income from the property equal to its operating expenses.

4D	$ 49.46	$708.89	4/22/83
	53.17	762.06	4/22/84
	57.15	819.21	4/22/85
	61.44	880.65	4/22/86
	66.05	946.70	4/44/87
	71.00	1017.70	4/22/88
	1.72	1019.42	4/22/89
6A	$141.12*	$761.21	4/22/83
	57.09	818.30	4/22/84
	61.37	879.67	4/22/85
	65.98	945.65	4/22/86
	70.92	1016.57	4/22/87
	76.24	1092.81	4/22/88
	73.97	1166.78	4/22/89
6B	$ 95.75*	$596.89	4/22/83
	44.77	641.66	4/22/84
	48.12	689.78	4/22/85
	51.73	741.51	4/22/86
	55.61	797.18	4/22/87
	59.78	856.90	4/22/88
	57.87	914.77	4/22/89
7A	$ 71.05	$1018.34	4/22/83
	76.38	1094.72	4/22/84
	82.10	1176.82	4/22/85
	22.71	1199.53	4/22/86
8D	$182.85*	$761.21	4/22/83
	57.09	818.30	4/22/84
	61.37	879.67	4/22/85
	65.98	945.65	4/22/86
	70.92	1016.57	4/22/87
	76.24	1092.81	4/22/88
	73.97	1166.78	4/22/89

*The Rent Law and Regulations, 9NYCRR Section 2202.3d(2), provide that the 7½ percent limitation may be waived by the Administrator where a greater increase is necessary to make the earned income from the property equal to its operating expenses.

9C	$ 41.57	$595.85	4/22/83
	44.69	640.54	4/22/84
	48.04	688.58	4/22/85
	51.64	740.22	4/22/86
	55.52	795.74	4/22/87
	9.41	805.15	4/22/88
10C	$ 39.36	$564.12	4/22/83
	42.31	606.43	4/22/84
	45.48	651.91	4/22/85
	48.89	700.80	4/22/86
	52.56	753.36	4/22/87
	56.50	809.86	4/22/88
	11.66	821.52	4/22/89
11C	$ 40.83	$585.25	4/22/83
	43.89	629.14	4/22/84
	47.19	676.33	4/22/85
	50.72	727.05	4/22/86
	54.53	781.52	4/22/87
	58.62	840.20	4/22/88
	14.07	854.27	4/22/89
12D	$ 63.21	$906.06	4/22/83
	67.95	974.01	4/22/84
	73.05	1047.06	4/22/85
	78.53	1125.59	4/22/86
	84.42	1210.01	4/22/87
	55.02	1265.03	4/22/88

STATE OF NEW YORK
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION
17 John Street
New York, New York 10038

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IN THE MATTER OF THE ADMINISTRATIVE APPEAL OF :J.R. No. 213B

Administrative Appeal
NORMAN PECK :Docket Nos. CPLAO
PETER SHARP 925/943
JEROME GREENE

:D.R.O. Docket Nos.
Petitioner : 2AO 40660/678

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ORDER AND OPINION GRANTING IN PART ADMINISTRATIVE APPEAL AFTER REOPENING PROCEEDING PURSUANT TO JUDGMENT OF COURT AND RENT ADJUSTMENT SCHEDULE

On October 7, 1983 the above-named petitioner-landlord filed Appeals against Orders issued on September 8, 1983 by the District Rent Administrator of the Lower Manhattan District Rent Office, concerning the housing accommodations known as 44 Gramercy Park North, New York, New York, Various Accommo-dations.

Subsequent thereto, the petitioner--landlord filed a petition in the Supreme Court pursuant to Article 78 of the

Civil Practice Law and Rules requesting that the Orders of the District Rent Administrator be modified, since the protests were deemed denied by operation of law.

On May 11, 1984 an order was signed by Mr. Justice Burton S. Sherman remitting the proceeding to the Division of Housing and Community Renewal for consideration on the merits.

On September 19, 1984 the Commissioner issued an order and opinion denying the landlord's administrative appeals.

Thereafter, the landlord filed another petition for judicial review requesting that the order of the Commissioner be annulled.

Subsequent thereto an order was entered remitting the proceedings to this Department for further consideration.

On January 29, 1985 the Commissioner issued an order reopening these proceedings for further consideration.

The landlord, the owner of unsold shares in the subject cooperatively owned building, filed an application on December 3, 1982 for increases in the maximum rents of the various accommodations, which were being occupied by tenants who had not purchased the shares allocated therefor. In the application it was requested that the 1982/83 equalized assessed valuation of the subject building, $2,203,024.00, be used as the valuation base for calculating the increases.

On September 8, 1983, the District Rent Administrator issued orders using as the valuation base the sales price of $1,055,000.00 which was paid upon acquisition of the property on March 1, 1965. The adjustments ordered were governed by the limitation of no increases being greater than

7-1/2 percent per year, in accordance with the applicable provisions of the Rent Law and Regulations, 9 NYCRR Sections 2201.6 and 2202.3(d).

In his appeal, and reiterated in the Article 78 petition for judicial review, the landlord contends, in substance, that utilizing the 1965 purchase price, rather than the equalized assessed valuation, and limiting the adjustments to 7-1/2 percent per year, were arbitrary and capricious and constituted an unconstitutional taking of property without due process of law.

After a careful reconsideration of the entire evidence of record, the Commissioner is of the opinion that this administrative appeal should be granted in part.

The landlord challenges, as arbitrary and capricious, the use of a 1966 sales price as the valuation base, and contends that rent adjustments necessary for the landlord to earn a return of 8-1/2 percent on capital value should have been computed based on the equalized assessed valuation of the subject building.

The applicable provision of the Rent Law and Regulations (9 NYCRR Section 2202.8) allows a landlord to seek rent increases when the premises are not providing " . . . a return of 8-1/2 percent on capital value which (except as provided in paragraphs b and c of this section) shall be the equalized assessed value . . . ". Paragraph c provides that where there has been a bona fide sale of the property since February 1, 1961, the purchase price may be used as the valuation base. (Emphasis supplied).

The use of a sales price, rather than the equalized assessed valuation of the property, is premised on the assumption that the sales price may be a more useful index of value.

Upon reconsideration of the facts in this particular proceeding, the Commissioner is of the opinion and finds that the price paid for the subject premises 17 years prior to the time the instant application was filed does not accurately reflect the real value of the subject premises; and that the 1982/83 equalized assessed value of $2,203,024.00 is the more appropriate index of value in this proceeding. Accordingly, hardship grants have been recalculated, as reflected in the attached schedule, using the 1982/83 equalized assessed value of the subject premises as the valuation base.

The Regulations (9 NYCRR Section 2202.2) further provide, in pertinent part, that where a hardship grant is based upon the assessed value of the building, and no order is issued within four months of the date of the application, the increase shall be effective and collectible four months from the date of the filing of the application (rather than eight months when the purchase price is used). In view of the fact that the recomputed hardship adjustments are predicated on the equalized assessed value of the subject premises, rather than the purchase price, the effective date of the District Rent Administrator's orders (and subsequent anniver-sary dates thereof) have also been changed from September 8, 1983 to April 3, 1983 as reflected in the attached schedule.

The landlord further contends that limiting collectible increases to 7-1/2 percent per year amounts to an unconstitutional taking of property without due process of law. The legislature of the State of New York, as set forth in Section 2 of the State Enabling Act and reiterated by the City Council of the City of New York, found that preventive action was imperative to regulate and control residential rents and evictions to avoid disruptive practices and abnormal conditions which would produce serious threats to the public health safety and general welfare. In enacting the Omnibus Housing Act of

1983 (Chapter 403 of the Laws of 1983 as amended) the State Legislature gave renewed recognition to the serious public housing emergency which continues to exist in New York.

The applicable regulations, under which the landlord herein sought relief in the first instance, limits with certain exceptions the collectibility of hardship and maximum base rent increases or both in combination to no more than 7-1/2 percent in one calendar year. Said regulations are in conformity with State and Local Laws, the constitutionality of which have been upheld by the courts as a valid exercise of the police power of the State, consistent with the need to prevent speculative, unwarranted and abnormal rent increases.

Therefore, in accordance with the provisions of the Rent and Eviction Regulations for New York City, Chapter 403, Laws of 1983 as amended by Chapter 102, Laws of 1984 and Operational Bulletin 84-1, it is

ORDERED, that this administrative appeal be, and the same hereby is granted in part; that the orders of the District Rent Administrator be, and the same hereby are modified consistent with the findings herein, as reflected in the attached Schedule of Rent Increases; and that as so modified said orders be, and the same hereby are affirmed; and it is further

ORDERED, that the tenants may pay any arrears in rent resulting from this order in six equal monthly installments.

ISSUED May 14, 1985

s/Manuel Mirabal
MANUEL MIRABAL
Deputy Commissioner

44 Gramercy Park North
RENT ADJUSTMENT SCHEDULE J.R. 213B; CPLAO 925/43

Apt. No.	Amount Of Increase	New Rent (Without Fuel Cost Adjustment)	Effective Date of Increase
2C	$ 43.23	$619.58	4/3/83
	46.47	666.05	4/3/84
	49.95	716.00	4/3/85
	41.73	757.73	4/3/86
2E	26.63	381.64	4/3/83
	28.62	410.26	4/3/84
	17.98	428.24	4/3/85
3F	27.16	389.35	4/3/83
	29.20	418.55	4/3/84
	31.39	449.94	4/3/85
	1.56	451.50	4/3/86
4A	37.37	535.58	4/3/83
	16.71	552.29	4/3/84
5A	37.11	531.90	4/3/83
	28.16	560.06	4/3/84
6A	44.46*	552.38	4/3/83
	41.43	593.81	4/3/84
	44.54	638.35	4/3/85
	47.88	686.23	4/3/86
	51.47	737.70	4/3/87
	53.33	793.03	4/3/88
	26.73	819.76	4/3/89

*The Rent Law and Regulations, 9NYCRR Section 2202.3d(2), provide that the 7½ percent limitation may be waived by the Administrator where a greater increase is necessary to make the earned income from the property equal to its operating expenses.

Apt. No.	Amount Of Increase	New Rent (Without Fuel Cost Adjustment)	Effective Date of Increase
7D	$ 33.01	$473.20	4/3/83
	35.49	508.69	4/3/84
	4.83	513.52	4/3/85
8E	31..21	447.35	4/3/83
	33.55	480.90	4/3/84
	7.50	488.40	4/3/85
9A	39.19	561.66	4/3/83
	42.12	603.78	4/3/84
	45.28	649.06	4/3/85
	48.68	697.74	4/3/86
	52.33	750.07	4/3/87
	23.17	773.24	4/3/88
9D	31.86	456.67	4/3/83
	34.25	490.92	4/3/84
	36.82	527.74	4/3/85
	1.29	529.03	4/3/86
10C	44.80	642.07	4/3/83
	48.16	690.23	4/3/84
	51.77	742.00	4/3/85
	54.49	796.49	4/3/86

Apt. No.	Amount Of Increase	New Rent (Without Fuel Cost Adjustment)	Effective Date of Increase
10E	$ 29.39	$421.28	4/3/83
	31.60	452.88	4/3/84
	33.97	486.85	4/3/85
	11.17	498.02	4/3/86
10F	30.79	441.32	4/3/83
	33.10	474.42	4/3/84
	31.34	505.76	4/3/85
11A	39.91	572.08	4/3/83
	42.91	614.99	4/3/84
	46.12	661.11	4/3/85
	43.58	710.69	4/3/86
	50.97	761.66	4/3/87
12C	35.64	510.88	4/3/83
	38.32	549.20	4/3/84
	41.19	590.39	4/3/85
	23.93	614.32	4/3/86
14B	41.00	587.73	4/3/83
	44.07	631.80	4/3/84

Apt. No.	Amount Of Increase	New Rent (Without Fuel Cost Adjustment)	Effective Date of Increase
15B	$ 33.70	$483.08	4/3/83
	36.23	519.31	4/3/84
	38.95	558.26	4/3/85
	41.87	600.13	4/3/86
	39.41	639.54	4/3/87
15D	33.76	483.86	4/3/83
	36.29	520.15	4/3/84
	39.01	559.16	4/3/85
	11.94	601.10	4/3/86
	20.99	622.09	4/3/87
16A	38.22	547.87	4/3/83
	41.09	588.96	4/3/84
	44.17	633.13	4/3/85
	43.23	676.36	4/3/86